

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—WEDNESDAY, MAY 12, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious Creator: As we continue the race to finish may we be productive with our time and activities, not hurrying, so that we are pleased with all we do and the accomplishments we have at the end of each day. In this way Lord, may we use Your gifts and guidance with maximum efficiency in the calling You have given to each of us and may You bless our efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

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

Absent with leave—Senators—None

The Lieutenant Governor was present.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended: Senators Howard, Bland, Johnson, Sims and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 368**, as amended: Senators Goode, Schneider, Maxwell, Russell and Westfall.

THIRD READING OF CONCURRENT RESOLUTIONS

HCR 35, introduced by Representative Thompson (37th), et al, entitled:

AN ACT

Relating to naming the Kansas City State Office Building the Fletcher Daniels Missouri State Office Building.

Was taken up by Senator DePasco.

On motion of Senator DePasco, **HCR 35** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bland	Caskey	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
Westfall Wiggins Yeckel—31

NAYS—Senators—None

Absent—Senators

Bentley Clay Stoll—3
Absent with leave—Senators—None

The President Pro Tem declared the concurrent resolution passed.

On motion of Senator DePasco, title to the concurrent resolution was agreed to.

Senator DePasco moved that the vote by which the concurrent resolution passed be reconsidered.

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

CONCURRENT RESOLUTIONS

Senator Maxwell moved that **SCS** for **SCR 15**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCS** for **SCR 15** was taken up.

Senator Johnson assumed the Chair.

Senator Maxwell moved that **HCS** for **SCS** for **SCR 15** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey Steelman—2

Absent—Senators

Bentley Quick—2

Absent with leave—Senators—None

HCS for **SCS** for **SCR 15** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey Steelman—2

Absent—Senator Quick—1

Absent with leave—Senators—None

Senator Wiggins moved that **HCR 30**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 30** was taken up.

Senator Wiggins moved that **SCS** for **HCR 30** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HCR 30** was adopted by the following vote:

YEAS—Senators

Banks	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—33			

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators—None

THIRD READING OF CONCURRENT RESOLUTIONS

HCR 17, introduced by Representative Barnett, entitled:

AN ACT

Relating to the annexation of a portion of Northwest Missouri State University by the city of Maryville.

Was taken up by Senator Graves.

On motion of Senator Graves, **HCR 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	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	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators
Quick Staples—2

Absent with leave—Senators—None

The President declared the concurrent resolution passed.

On motion of Senator Graves, title to the concurrent resolution was agreed to.

Senator Graves moved that the vote by which the concurrent resolution passed be reconsidered.

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

CONCURRENT RESOLUTIONS

Senator Howard moved that **HCS for HCR 29**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for HCS for HCR 29 was taken up.

Senator Howard moved that **SCS for HCS for HCR 29** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS for HCS for HCR 29** was adopted by the following vote:

YEAS—Senators

Banks	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	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators
Quick Staples—2

Absent with leave—Senators—None

Senator Clay moved that **HCS for HCRs 24 and 15**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for HCS for HCRs 24 and 15 was taken up.

Senator Clay moved that **SCS for HCS for HCRs 24 and 15** be adopted, which motion prevailed.

On motion of Senator Clay, **SCS for HCS for HCRs 24 and 15** was adopted by the following vote:

YEAS—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
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

Senator Stoll moved that **SCR 13**, with **HA 1**, be taken up for adoption, which motion prevailed.

HA 1 was taken up.

Senator Stoll offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Concurrent Resolution No. 13, Page 1021 of the Senate Journal for Sunday, May 2, 1999, Column 1, Line 2 of said column, by inserting after "members" the following: "of".

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

Senator Stoll moved that **HA 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Clay	Flotron	Schneider	Scott—4
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Absent with leave—Senators—None

On motion of Senator Stoll, **SCR 13**, as amended, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks	Clay	Scott—3
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Absent with leave—Senators—None

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 **HB 368**, as amended: Representatives Murray, Franklin, Green, Hartzler (123), Berkstresser.

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 **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended: Representatives Hollingsworth, Dougherty, Britt, Ross and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HS** for **HB 162** and has again taken up and passed **HS** for **HB 162**, 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 **SS** for **SCS** for **HS** for **HB 450**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 450**.

Emergency clause adopted.

HOUSE BILLS ON THIRD READING

Senator Jacob moved that **HS** for **HB 516**, with **SCS**, **SS** for **SCS**, **SA 33** and **SA 2** to **SA 33** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 to **SA 33** was again taken up.

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

SA 33, as amended, was again taken up.

Senator Mathewson assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 33**, as amended, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 33**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 3, Section 143.161, Line 20, by inserting after the period "." on said line the following: "**For all taxable years beginning after December 31, 1998, a resident may deduct two thousand five hundred dollars for each**

dependent for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes."

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Singleton and Westfall.

Senator Ehlmann raised the point of order that **SSA 1 for SA 33** is out of order because it is not a true substitute amendment, stating that it could be offered at any time.

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

Senator Flotron offered **SA 1 to SSA 1 for SA 33**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 33

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 33 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 1, Line 5, by inserting after the word "purposes." the following:

"Section 1. For all taxable years beginning on or after January 1, 2000, in addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition, attendance fees, school supplies, and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent."

Senator Flotron moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SA 1 to SSA 1 for SA 33**, as amended, and was joined in his request by Senators Klarich, Howard, Westfall and Wiggins.

SA 1 to SSA 1 for SA 33 failed of adoption by

the following vote:

YEAS—Senators

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Scott	Steelman	Wiggins	Yeckel—16

NAYS—Senators

Banks	Bentley	Bland	Caskey
Childers	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Russell	Singleton	Staples	Stoll
Westfall—17			

Absent—Senator Sims—1

Absent with leave—Senators—None

SSA 1 for SA 33 was again taken up.

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

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Singleton	Staples	Stoll
Westfall—17			

NAYS—Senators

DePasco	Ehlmann	Flotron	Goode
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Scott	Steelman	Wiggins	Yeckel—16

Absent—Senator Sims—1

Absent with leave—Senators—None

Senator Jacob moved that **SS for SCS for HS for HB 516**, as amended, be adopted, which motion prevailed.

On motion of Senator Jacob, **SS for SCS for HS for HB 516**, as amended, was read the 3rd time and passed by the following vote:

YEAS—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		

**CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 450**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senator Steelman—1

Absent—Senators—None

Absent with leave—Senators—None

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

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

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

PRIVILEGED MOTIONS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 450**, as amended, submitted the following conference committee report:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 450;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Maxwell	/s/ Randall Relford
/s/ Wayne Goode	/s/ Rita Days
/s/ Ed Quick	/s/ Gary Wiggins
/s/ Sam Graves	/s/ Jim Graham
/s/ Anita Yeckel	/s/ Emmy McClelland

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

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Flotron Rohrbach—2

Absent—Senators

Banks Graves Quick—3

Absent with leave—Senators—None

On motion of Senator Maxwell, **CCS** for **SS** for **SCS** for **HS** for **HB 450**, entitled:

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

An Act to repeal sections 8.380, 8.420, 70.240, 245.060, 249.470, 249.645, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 204.300, 247.030, 247.040, 644.031 and 644.509, RSMo Supp. 1998, and to enact in lieu thereof forty-three new sections relating to public infrastructure, with an emergency clause for certain sections.

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

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senator Jacob—1

Absent with leave—Senators—None

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
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators

Rohrbach Singleton—2

Absent—Senators—None

Absent with leave—Senators—None

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

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

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

Senator Johnson assumed the Chair.

Senator DePasco, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 196**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 196

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 196, with House Amendment No. 1; begs leave to report that we, after 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 House recede from its position on House Committee Substitute for Senate Bill No. 196, as amended;
2. That the Senate recede from its position on Senate Bill No. 196; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 196, be Truly Agreed To and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Ronnie DePasco	/s/ Henry Rizzo
/s/ John E. Scott	/s/ Carson Ross
/s/ Marvin Singleton	/s/ Carl W. Vogel
/s/ Walt Mueller	/s/ May Scheve
/s/ Danny Staples	/s/ Jim Foley

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

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator DePasco, **CCS** for **HCS** for **HB 196**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 196

An Act to repeal sections 86.450, 86.457 and 105.691, RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

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

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator DePasco moved that the vote by which

the bill passed be reconsidered.

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

HOUSE BILLS ON THIRD READING

HB 191, with **SCS**, introduced by Representative Dougherty, et al, entitled:

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject.

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

SCS for **HB 191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 191

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 191** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HB 191**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 191

An Act relating to cancer.

Senator Maxwell moved that **SS** for **SCS** for **HB 191** be adopted.

Senator Wiggins assumed the Chair.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 2, Section 4, Line 17, by inserting after all of said line the following:

"5. 1. The attending physician shall make available to any patient the advantages, disadvantages, and risks including cancer associated with breast implantation prior to

such operation as provided by the department of health.

2. The department of health shall:

(1) Make available a standardized written summary that would be clear to a prudent lay person that:

(a) Contains general information on breast implantation; and

(b) Discloses potential dangers and side effects of a breast implantation operation;

(2) Update the standardized written summary as deemed necessary by the department of health; and

(3) By January 1, 2000, the department shall make available the standardized written summary to all hospitals, clinics, and physicians' offices that perform breast implantation.

3. The attending physician satisfies the requirements of subsection 1 of this section if:

(1) The physician provides the breast implantation patient with the standardized written summary described in subsection 2 of this section;

(2) The patient receives the standardized written summary at least five days before the breast implantation operation; and

(3) The patient signs a statement, made available by the department of health, acknowledging the patient's receipt of the standardized written summary.

4. Nothing in this section shall alter, impair or otherwise affect other claims, rights or remedies available pursuant to law.

5. Failure of the department of health to make the summary available, as described in subsection 2 of this section, shall be an affirmative defense for the attending physician."

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

Senator Johnson offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 1, In the

Title, Line 1, by striking the word "cancer" and inserting in lieu thereof the following: "public health"; and

Further amend said bill and page, section 1, line 1, by inserting immediately before said line the following:

"103.083. The board shall provide or contract, or both, on its own behalf, for medical benefits coverage and services for persons covered under sections 103.003 to 103.175 and enrolled in the plan; **provided however, that such provision or contract, or both shall be:**

(1) Made or renewed for a term no longer than twenty-four (24) months; and

(2) The proposals for medical benefits coverage and services of persons covered pursuant to sections 103.003 to 103.175, and enrolled in the plan, shall be based upon actuarial analysis and retrospective loss experience of the participating member agencies enrolled in the plan. The board may contract for medical benefits coverage with alternative delivery health care programs where available. Medical expenses shall also include expenses for comparable benefits for employees who rely solely on spiritual means through prayer for healing.

103.130. Each participating member agency may elect by majority vote of its governing body, to join the plan and cover its employees, retirees, and their dependents under the plan as follows:

(1) The clerk or secretary of the participating member agency shall certify the election to the board within ten working days after the vote of the governing body;

(2) The board shall establish a procedure for considering the election of the agencies. Acceptance of the agency into the plan shall be by action of the board and shall be based upon an actuarial analysis [or any other determination that the board deems appropriate] **of the agency's experience, and the impact of such experience upon the health care plans providing coverage to the Missouri consolidated health care plan, if said agency is accepted into the plan;**

(3) The agency shall supply all available information requested by the board that is

necessary to complete an actuarial analysis of the agency and make a determination of the fiscal impact that inclusion of the agency would have on the plan;

(4) The effective date of the participating member agency's coverage will be the first day [of the month so requested by the agency and approved by the board] **of the year following open enrollment and acceptance of the application of an agency pursuant to this section, to be accepted into the plan;**

(5) The participating member agency must offer coverage under the plan to all of its eligible employees, retirees, and dependents;

(6) The provisions of this section shall not authorize a contractor or provider to recover retroactively any losses sustained prior to January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 2** is out of order because it goes beyond the scope and purpose of the bill.

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

SA 2 was again taken up.

President Wilson assumed the Chair.

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

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 2, Section 1, Line 17, by adding the following after line 17:

"Section 2. The Department of Insurance shall create an advisory committee to be known as the "Health Insurance Advisory Committee." This committee shall be a voluntary committee comprised of representatives of the insurance industry, provider groups and the public. The committee shall consist of at least, but not limited to, one member representing each of the

following areas: small group insurance, managed care, doctors of medicine, doctors of osteopathy, pharmacists, dentists and public members representing self employed workers and the elderly. This committee shall meet to discuss and advise the Department on issues relating to health care insurance."; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 1, In the Title, Line 2, by striking the word "cancer" and inserting in lieu thereof the following: "health services, with an expiration date for certain sections"; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"376.779. 1. All group health insurance policies providing coverage on an expense-incurred basis, all group service or indemnity contracts issued by a not for profit health service corporation, all self-insured group health benefit plans, of any type or description, and all such health plans or policies that are individually underwritten or provide for such coverage for specific individuals and the members of their families as nongroup policies, which provide for hospital treatment, shall provide coverage, while confined in a hospital or in a residential or nonresidential facility certified by the department of mental health, for treatment of alcoholism on the same basis as coverage for any other illness, except that coverage may be limited to thirty days in any policy or contract benefit period. All Missouri group contracts issued or renewed, and all Missouri individual contracts issued on or after December 31, 1980, shall be subject to this section. Coverage required by this section shall be included in the policy or contract and payment provided as for other coverage in the same policy or contract notwithstanding any construction or relationship of interdependent contracts or plans affecting coverage and payment

of reimbursement prerequisites under the policy or contract.

2. [Every insurance company and health services corporation doing business in this state shall offer in all such policies or contracts referred to in subsection 1, benefits for chemical dependency and drug addiction which cover the following:

(1) Residential treatment programs as certified by the department of mental health;

(2) Nonresidential treatment programs certified by the department of mental health. The benefits in this subsection may be limited to eighty percent of the reasonable and customary charges for such services up to a maximum benefit of two thousand dollars during each policy or contract benefit period. Said offer may be accepted or rejected by the group or individual policyholder or contract holder or at their election they may take or purchase either or both of the benefits set out in subdivision (1) or (2); provided, however, that nothing in this section shall prohibit the insurance company and health services corporation from including all or part of the coverage set forth in this section as standard coverage in their policies or contracts issued in this state.

3.] Insurers, corporations or groups providing coverage may approve for payment or reimbursement vendors and programs providing services or treatment required by this section. Any vendor or person offering services or treatment subject to the provisions of this section and seeking approval for payment or reimbursement shall submit to the department of mental health a detailed description of the services or treatment program to be offered. The department of mental health shall make copies of such descriptions available to insurers, corporations or groups providing coverage under the provisions of this section. Each insurer, corporation or group providing coverage shall notify the vendor or person offering service or treatment as to its acceptance or rejection for payment or reimbursement; provided, however, payment or reimbursement shall be made for any service or treatment program certified by the department of mental health. Any notice of rejection shall contain

a detailed statement of the reasons for rejection and the steps and procedures necessary for acceptance. Amended descriptions of services or treatment programs to be offered may be filed with the department of mental health. Any vendor or person rejected for approval of payment or reimbursement may modify their description and treatment program and submit copies of the amended description to the department of mental health and to the insurer, corporation or group which rejected the original description.

[4.] 3. The department of mental health may issue rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[5.] 4. All substance abuse treatment programs in Missouri receiving funding from the Missouri department of mental health must be certified by the department.

376.810. As used in sections 376.810 to 376.814, the following terms mean:

(1) "Chemical dependency", the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) "Community mental health center", a legal entity certified by the department of mental health or accredited by a nationally recognized organization, through which a comprehensive array of mental health services are provided to individuals;

(3) "Day program services", a structured, intensive day or evening treatment or partial hospitalization program, certified by the department of mental health or accredited by a nationally recognized organization;

(4) "Episode", a distinct course of chemical dependency treatment separated by at least thirty days without treatment;

(5) "Health insurance policy", all group health insurance policies providing coverage on an expense-incurred basis, all group service or

indemnity contracts issued by a not for profit health services corporation, all self-insured group health benefit plans of any type or description to the extent that regulation of such plans is not preempted by federal law, and all such health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families as nongroup policies, which provide for hospital treatment. For the purposes of subsection 2 of section 376.811, "health insurance policy" shall also include any group or individual contract issued by a health maintenance organization. The provisions of sections 376.810 to 376.814 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency;

(6) "Licensed professional", a licensed physician specializing in the treatment of mental illness, a licensed psychologist, a licensed clinical social worker or a licensed professional counselor. **Only prescription rights under this act shall apply to medical physician's and doctors of osteopathy;**

(7) "Managed care", the determination of availability of coverage under a health insurance policy through the use of clinical standards to determine the medical necessity of an admission or treatment, and the level and type of treatment, and appropriate setting for treatment, with required authorization on a prospective, concurrent or retrospective basis, sometimes involving case management;

(8) "Medical detoxification", hospital inpatient or residential medical care to ameliorate acute medical conditions associated with chemical dependency;

(9) "Nonresidential treatment program", program certified by the department of mental health involving structured, intensive treatment in a nonresidential setting;

(10) "Recognized mental illness", those conditions classified as "mental disorders" in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, but shall not include mental retardation;

(11) "Residential treatment program", program certified by the department of mental health involving residential care and structured, intensive treatment;

(12) "Social setting detoxification", a program in a supportive nonhospital setting designed to achieve detoxification, without the use of drugs or other medical intervention, to establish a plan of treatment and provide for medical referral when necessary.

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies, benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

(4) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

(5) The coverages set forth in this subsection shall be:

(a) Subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) Administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) Covered services may be delivered through

a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or

other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, or licensed clinical social worker acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contractholder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to

376.835.

376.825. Sections 376.825 to 376.835 shall be known and may be cited as the "Mental Health and Chemical Dependency Insurance Act".

376.826. For the purposes of sections 376.825 to 376.835 the following terms shall mean:

(1) "Director", the director of the department of insurance;

(2) "Health insurance policy" or "policy", all group health insurance policies providing coverage on an expense-incurred basis, all group service or indemnity contracts issued by a not for profit health services corporation, all self-insured group health benefit plans of any type or description to the extent that regulation of such plans is not preempted by federal law, and all such health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families as nongroup policies, which provide for hospital treatments. The term shall also include any group or individual contract issued by a health maintenance organization. The provisions of sections 376.825 to 376.835 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency;

(3) "Insurer", an entity licensed by the department of insurance to offer a health insurance policy;

(4) "Mental illness", the following disorders contained in the International Classification of Diseases (ICD-9-CM):

(a) Schizophrenic disorders and paranoid states (295 and 297, except 297.3);

(b) Major depression, bipolar disorder, and other affective psychoses (296);

(c) Obsessive compulsive disorder, post-traumatic stress disorder and other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

(d) Early childhood psychoses, and other disorders first diagnosed in childhood or

adolescence (299.8, 312.8, 313.81 and 314);

(e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1); and

(f) Anorexia nervosa, bulimia and other severe eating disorders (307.1, 307.51, 307.52 and 307.53);

(g) Senile organic psychotic conditions (290);

(5) "Rate", "term", or "condition", any lifetime limits, annual payment limits, episodic limits, inpatient or outpatient service limits, and out-of-pocket limits. This definition does not include deductibles, copayments, or coinsurance prior to reaching any maximum out-of-pocket limit. Any out-of-pocket limit under a policy shall be comprehensive for coverage of mental illness and physical conditions.

376.827. 1. Nothing in this bill shall be construed as requiring the coverage of mental illness.

2. Except for the coverage required pursuant to subsection 1 of section 376.779, and the offer of coverage required pursuant to sections 376.810 through 376.814, if any of the mental illness disorders enumerated in subdivision (4) of section 376.826 are provided by the health insurance policy, the coverage provided shall include all the disorders enumerated in subdivision (4) of section 376.826 and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to evaluation and treatment for mental illness than for access to evaluation and treatment for physical conditions, generally, except that alcohol and other drug abuse services shall have a minimum of thirty days total inpatient treatment and a minimum of twenty total visits for outpatient treatment for each year of coverage. A lifetime limit equal to four times such annual limits may be imposed. The days allowed for inpatient treatment can be converted for use for outpatient treatment on a two-for-one basis.

3. Deductibles, copayment or coinsurance amounts for access to evaluation and treatment for mental illness shall not be unreasonable in

relation to the cost of services provided.

4. A health insurance policy that is a federally qualified plan of benefits shall be construed to be in compliance with sections 376.825 to 376.833 if the policy is issued by a federally qualified health maintenance organization and the federally qualified health maintenance organization offered mental health coverage as required by sections 376.825 to 376.833. If such coverage is rejected, the federally qualified health maintenance organization shall, at a minimum, provide coverage for mental health services as a basic health service as required by the Federal Public Health Service Act, 42 U.S.C. Section 300e., et seq.

5. Health insurance policies that provide mental illness benefits pursuant to sections 376.825 to 376.835 shall be deemed to be in compliance with the requirements of subsection 1 of section 376.779.

6. The director may disapprove any policy that the director determines to be inconsistent with the purposes of this section.

376.828. 1. The coverages set forth in sections 376.825 to 376.835 may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more licensed and certified providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. An insurer may use a case management program for mental illness benefits to evaluate and determine medically necessary and clinically appropriate care and treatment for each patient.

3. Nothing in sections 376.825 to 376.835 shall be construed to require a managed care

plan as defined by section 354.600, RSMo, when providing coverage for benefits governed by sections 376.825 to 376.835, to cover services rendered by a provider other than a participating provider, except for the coverage pursuant to subsection 4 of section 376.811, RSMo. An insurer may contract for benefits provided in sections 376.825 to 376.835 with a managing entity or group of providers for the management and delivery of services for benefits governed by sections 376.825 to 376.835.

376.829. 1. The provisions of section 376.827 shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

(1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;

(2) Services rendered or billed by a school or halfway house;

(3) Care that is custodial in nature;

(4) Services and supplies that are not medically necessary nor clinically appropriate; or

(5) Treatments that are considered experimental.

2. The director shall grant a policyholder a waiver from the provisions of section 376.827 if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with sections 376.825 to 376.835 has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder.

376.833. 1. The provisions of sections 376.825 to 376.835 apply to applications for coverage made on or after January 1, 2000, and to health insurance policies issued or renewed on or after such date to residents of this state. Multi-year group policies need not comply until the expiration of their current multi-year term unless the policyholder elects to comply before that time.

2. The director shall perform a study to assess the impact of the mental health and substance abuse insurance act on insurers, business interests, providers, and consumers of mental health and substance abuse treatment services. The director shall report the findings of this study to the general assembly by January 1, 2004.

376.835. Notwithstanding the provision of subsection 1 of section 376.827, all health insurance policies which cover state employees including the Missouri consolidated health care plan shall include coverage for mental illness. Multi-year group policies need not comply until the expiration of their current multi-year term unless the policyholder elects to comply before that time.

630.003. 1. There is hereby created a department of mental health to be headed by a mental health commission who shall appoint a director, by and with the advice and consent of the senate. The director shall be the administrative head of the department and shall serve at the pleasure of the commission and be compensated as provided by law for the director, division of mental health.

2. The mental health commission may employ no more than three additional persons to serve at the pleasure of the commission.

3. All other employees of the department shall be selected in accordance with chapter 36, RSMo.

[2.] **4. (1)** The "State Mental Health Commission", composed of seven members, is the successor to the former state mental health commission and it has all the powers, duties and responsibilities of the former commission. All members of the commission shall be appointed by the governor, by and with the advice and consent of the senate. None of the members shall otherwise be employed by the state of Missouri.

(2) Three of the commission members first appointed shall be appointed for terms of four years, and two shall be appointed for terms of three years, and two shall be appointed for a term of two years. The governor shall designate, at the time the appointments are made, the length of the term of

each member so appointed. Thereafter all terms shall be for four years.

(3) At least two of the members of the commission shall be physicians, one of whom shall be recognized as an expert in the field of the treatment of nervous and mental diseases, and one of whom shall be recognized as an expert in the field of mental retardation or of other developmental disabilities. At least two of the members of the commission shall be representative of persons or groups who are consumers having substantial interest in the services provided by the division, one of whom shall represent the mentally retarded or developmentally disabled and one of whom shall represent those persons being treated for nervous and mental diseases. Of the other three members at least one must be recognized for his expertise in general business management procedures, and two shall be recognized for their interest and expertise in dealing with alcohol/drug abuse problems, or community mental health services.

[3.] **5.** The provisions of sections 191.120, 191.125, 191.130, 191.140, 191.150, 191.160, 191.170, 191.180, 191.190, 191.200, 191.210, RSMo, and others as they relate to the division of mental health not previously reassigned by executive reorganization plan number 2 of 1973 as submitted by the governor under chapter 26, RSMo, are transferred by specific type transfer from the department of public health and welfare to the department of mental health. The division of mental health, department of health and welfare, chapter 202, RSMo, and others are abolished and all powers, duties and functions now assigned by law to the division, the director of the divisions of mental health or any of the institutions or officials of the division are transferred by type I transfer to the department of mental health.

[4.] **6.** The Missouri institute of psychiatry, which is under the board of curators of the University of Missouri is hereafter to be known as the "Missouri Institute of Mental Health". The purpose of the institute will be that of conducting research into improving services for persons served by the department of mental health for fostering the training of psychiatric residents in public

psychiatry and for fostering excellence in mental health services through employee training and the study of mental health policy and ethics. To assist in this training, hospitals operated by and providers contracting with the department of mental health may be used for the same purposes and under the same arrangements as the board of curators of the University of Missouri utilizes with other hospitals in the state in supervising residency training for medical doctors. Appropriations requests for the Missouri institute of mental health shall be jointly developed by the University of Missouri and the department of mental health. All appropriations for the Missouri institute of mental health shall be made to the curators of the University of Missouri but shall be submitted separately from the appropriations of the curators of the University of Missouri.

[5.] **7.** There is hereby established within the department of mental health a division of mental retardation and developmental disabilities. The director of the division shall be appointed by the director of the department. The division shall administer all state facilities under the direction and authority of the department director. The Marshall Habilitation Center, the Higginsville Habilitation Center, the Bellefontaine Habilitation Center, the Nevada Habilitation Center, the St. Louis Developmental Disabilities Treatment Centers, and the regional centers located at Albany, Columbia, Hannibal, Joplin, Kansas City, Kirksville, Poplar Bluff, Rolla, St. Louis, Sikeston and Springfield and other similar facilities as may be established, are transferred by type I transfer to the division of mental retardation and developmental disabilities.

[6.] **8.** All the duties, powers and functions of the advisory council on mental retardation and community health centers, sections 202.664 to 202.666, RSMo, are hereby transferred by type I transfer to the division of mental retardation and developmental disabilities of the department of mental health. The advisory council on mental retardation and community health centers shall be appointed by the division director.

[7.] **9.** The advisory council on mental retardation and developmental disabilities heretofore established by executive order and all of

the duties, powers and functions of the advisory council including the responsibilities of the provision of the council in regard to the Federal Development Disabilities Law (P.L. 91-517) and all amendments thereto are transferred by type I transfer to the division of mental retardation and developmental disabilities. The advisory council on mental retardation and developmental disabilities shall be appointed by the director of the division of mental retardation and developmental disabilities.

[8.] **10.** The advisory council on alcoholism and drug abuse, chapter 202, RSMo, is transferred by type II transfer to the department of mental health and the members of the advisory council shall be appointed by the mental health director.

Section B. The provisions of sections 376.825 to 376.835 shall expire on January 1, 2005."; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 1, In the Title, Line 2, by striking the word "cancer" and inserting in lieu thereof the following; "public health"; and further amend said bill and page, section 1, line 13, by inserting immediately after said line the following:

376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use a standardized form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

2. The standardized form developed by the task force as established in section 376.1408 shall contain the following:

- (1) The name of the insured;
- (2) The insured's identification number;
- (3) The date of service;
- (4) Amount of charge;
- (5) Explanation for any denial;
- (6) The amount paid and any balance due;
- (7) The procedure code;
- (8) The patient's full name; and
- (9) The phone number and name of whom to contact for questions on explanation of benefits.

3. All health insurance carriers shall use the standard explanation of benefits form after January 1, 2002.

376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.

2. The referral form developed by the task force as established in section 376.1408 shall contain the following:

- (1) The name of the insured;
- (2) Place of employment;
- (3) The name, address and phone number of the health carrier;
- (4) The identification number and group number of the insured;
- (5) The type of referral;
- (6) The name, address and phone number of the health care provider referring the insured;
- (7) The name, address, and phone number of the health care provide of whom the insured was referred to;
- (8) The number of visits requested and authorized; and
- (9) The health carrier's authorization

number.

3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.

376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by sections 376.1400 and 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;
- (2) Three representatives from the insurance industry; and
- (3) Three members from the general public.

2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The department of insurance shall have the task force established by January 1, 2000."; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 2, Section 1, Line 17, by inserting after all of said line the following:

"Section 2. Nothing in section 376.1361, RSMo, shall require a health carrier to pay for services which were authorized through utilization review for precertification, if the services are not otherwise covered under the health benefit plan."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above

amendment be adopted.

At the request of Senator Maxwell, **HB 191**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 892, regarding Nicole Conant, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 893, regarding Matthew Tollerton, Laclede, which was adopted.

Senator Sims offered Senate Resolution No. 894, regarding Marilyn Cooper, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 895, regarding the Newburg High School Lady Wolves 1-A Girls Basketball Team, which was adopted.

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

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

Senator DePasco announced that photographers from the Senate had been given permission to film in the upper gallery and that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 903, introduced by Representative Auer, entitled:

An Act to repeal sections 376.431, 376.432, 376.436, 376.438 and 376.441, RSMo 1994, relating to group health insurance, and to enact in lieu thereof five new sections relating to the same subject.

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

On motion of Senator Jacob, **HB 903** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks	Bentley	Goode	Schneider—4
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

HB 926, introduced by Representatives Liese and Ward, entitled:

An Act to repeal section 375.1518, RSMo Supp. 1998, relating to life insurance policies, and to enact in lieu thereof one new section relating to the same subject.

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

Senator Mathewson assumed the Chair.

On motion of Senator Jacob, **HB 926** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks Bentley Schneider—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 61**, entitled:

An Act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1998, relating to highway beautification, and to enact in lieu thereof eight new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Pages 8 to 10, Section 226.525, by deleting all of said section and inserting in lieu thereof the following:

"226.525. **1.** The state highways and transportation commission is directed to erect within the right-of-way of all classes of highways within the state signs and notices pertaining to publicly and privately owned natural wonders and scenic and historical attractions under the following conditions:

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission.

(2) Such official signs shall be limited in

content to the name of the attraction and necessary travel information.

(3) The state highways and transportation commission shall determine those sites and attractions for which directional and other official signs may be erected as permitted by section 131 of Title 23, United States Code, which it deems of such importance as to justify such signing, using as a guide those publicly or privately owned natural wonders and scenic, historic, educational, cultural, or recreational sites which have been determined to be of general interest.

(4) The state highways and transportation commission may require reimbursement for the cost of erection and maintenance of the official directional signs authorized hereunder when sites or attractions are privately owned by other than the state or political subdivisions. The state highways and transportation commission shall prescribe the size, number and locations of such signs based upon its determination of the travelers' need for directional information.

2. The commission shall adopt rules to implement a program for the erection and maintenance of tourist-oriented directional signs within the right-of-way of state highways in the state. The tourist-oriented directional signs shall provide business identification and directional information for natural attractions and activities which, during a normal business season, derive a major portion of the income and visitors for the business or activity from motorists not residing in the immediate area of the business or activity. Natural attractions and activities eligible for such tourist-oriented directional signs shall include, but not be limited to, caves, museums, wineries, antique business districts, tourist-oriented boats with live entertainment located in any county of the first classification with a charter form of government and having a population of more than two hundred ten thousand but less than six hundred thousand inhabitants and tourist-oriented directional signs indicating the location of any veterans' memorial located at any college in such county provided that such signs are located on a highway known as the "Veterans' Memorial Highway" in any county of the first

classification with a population of more than one hundred seventy thousand inhabitants but less than two hundred thousand inhabitants."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 19, Section 226.540, Line 16, by inserting after all of said line the following:

"226.545. **1.** Notwithstanding any other provision of sections 226.500 to 226.600, outdoor advertising signs lawfully in existence on October 22, 1965, determined by agreement between the state highways and transportation commission and the Secretary of Transportation to be landmark signs, including signs on farm structures or natural surfaces, of historical or artistic significance may be maintained.

2. Any sign determined to be a landmark sign pursuant to subsection 1 of this section may be modified if:

(1) Such landmark:

(a) No longer exists;

(b) Is no longer operated as a natural, historical or other landmark by any public or private entity;

(c) Has changed from being publicly operated to privately operated; or

(d) Is no longer operated as a natural, historic or other landmark and is instead operated as a business;

(2) Such modification does not involve the alteration of the size, length, width or depth of any portion of the sign or the mechanism supporting such sign; and

(3) Such modification alters only the wording of such sign for purposes of showing the changes described in subdivision (1) of this subsection."; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for

Senate Bill No. 61, Page 24, Section 536.029, Line 1, by inserting after said line the following new section:

"Section 1. The portion of state highway 13 in Caldwell county shall be named "The Zach Wheat Memorial Highway."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Section 536.029, Line 1, by inserting after all of said lines the following:

"Section 1. 1. Notwithstanding any other provision of law to the contrary:

(1) Seasonal advertising signs may be displayed, erected and maintained in the appropriate season on any federal highway; and

(2) Year-round advertising signs may be displayed, erected and maintained all year on any lettered state highway.

2. The signs described in subsection 1 of this section shall be within six hundred sixty feet of the nearest edge of the right-of-way, and such signs shall also be no larger than four feet in height and eight feet in length."; and

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Line 1, by inserting after all of said line the following:

"Section 1. The portion of United States highway 36 within any county of the third classification with a township form of government and having a population of more than thirteen thousand but less than fifteen thousand inhabitants shall be designated the "V.F.W. Memorial Highway"."; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 335**, entitled:

An Act to repeal sections 1.160, 217.760, 513.653, 558.011, 569.025 and 569.035, RSMo 1994, and sections 21.455, 558.019, 559.021, 559.026, 559.115, 559.630, 559.633, 559.635, 570.040 and 577.023, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof seventeen new sections relating to the same subject, with an expiration date for certain sections and penalty provisions.

With House Amendments Nos. 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 14, House Amendments Nos. 15, 16, 17, 18, 19, 20 and 21.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 513.653, Line 19, by striking all of said section and inserting in lieu thereof the following:

"513.653. Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit, **subject to standards promulgated by the state auditor which shall take into account adequate measures to protect the confidentiality of any law enforcement activities involved in the federal seizures**, of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body **and to the department of public safety**. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures. **The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section. Any law enforcement agency which has not complied with the provisions of this section shall acquire audits for the years in which they have not filed as**

required by this section."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 31, Section 577.023, Line 11, by inserting at the end of said section:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state, **or is a nonresident but is employed or attends school in this state, who was required to register as an offender in any other state or** who has, since July 1, 1979, or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty or nolo contendere in any other state or under federal **or military** jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony

violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register, **in person**, with the chief law enforcement official of the county in which such person resides. **Any person registered pursuant to sections 589.400 to 589.425 shall also register within ten days with the chief law enforcement official of the county in which such person is employed, any county in which such person attends school and any jurisdiction in which such person intends to be or is present for ten or more days within any twelve-month period.** The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The chief law enforcement official shall notify and forward a copy of the registration information and related fingerprints and photographs to the appropriate official in another state upon notification that the registrant has moved or will be moving to such other state.

4. Any person required to register pursuant to this section shall notify the chief law enforcement official of the date of changing residence within ten days of removing such person's residence from the county.

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the central repository within ten days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

2. The department of public safety shall

develop and maintain a system for making the registry of persons who are required to register pursuant to sections 589.400 to 589.425 available on its Internet Web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; date and place of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.

3. The provisions of subsection 2 of this section shall expire August 28, 2005.

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, **including those receiving an execution of sentence**, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.; and

Further amend said bill, page 32, line 16, section 3, by inserting immediately after said line the following:

"Section 4. Any court, upon a plea of guilty or conviction of a crime that the defendant will be required to register pursuant to the

provisions of sections 589.400 to 589.425, RSMo, shall enter into the record the age of the victim.

Section 5. No person required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall be granted probation or parole without such registration being a condition of such probation or parole."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Line 16, by inserting after the number "2000." two new sections:

589.401. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit an offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state

and has been or is required to register in another state or has been or is required to register under federal or military law

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full or on a part-time basis in Missouri. Part-time in this subsection means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

589.411. The chief law enforcement official shall forward the completed offender registration form to the Missouri State Highway Patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 589.414:

"589.414. 1. If any person required by sections

589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person **shall appear in person and** shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 through 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri State Highway Patrol of the change. When the registrant is changing residence to a new state the Missouri State Highway Patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person to** the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **under the definitions found in section 558.018;**

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period."; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 589.425:

"589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 **and does not meet all requirements of 589.400 to 589.425 is guilty of a class A misdemeanor.**

[1] Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;

is guilty of a class A misdemeanor.]

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.";

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House

Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16, by inserting after all of said line the following:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is [seven hundred fifty] **five hundred** dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or

resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than [one hundred fifty] **five hundred** dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony.

5. The theft or attempted theft of [any amount of] anhydrous ammonia is a class D felony if the amount has a value of less than five hundred dollars, otherwise it is a class C felony.

[5.] 6. Stealing is a class D felony if the value of the property or services appropriated is less than five hundred dollars and more than two hundred fifty dollars.

7. The theft of any item of property or services [under] pursuant to subsection 3 of this section which exceeds [seven hundred fifty] five hundred dollars may be considered a separate felony and may be charged in separate counts.

[6.] 8. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

[7.] 9. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor."; and

Further amend said bill, by amending the title

and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Pages 31-32, Section 577.023, Lines 11-16, by inserting after all of said line the following:

"577.069. 1. No person shall knowingly leave the scene where a serious physical injury as defined in section 565.002, RSMo, or death has occurred due to an accident [or] involving or caused by the negligence of that person, without giving such person's name, address and driver's license number, if applicable, to a law enforcement officer or emergency medical personnel. If no such officer or emergency medical personnel are in the vicinity, the person shall provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if the person leaves the scene in order to obtain medical assistance or contact law enforcement authorities to notify them of the accident, or the victim requests that no assistance be given.

2. All peace officers and reserve peace officers certified pursuant to the provisions of chapter 590, RSMo, shall have authority to investigate serious physical injury as defined in section 565.002, RSMo, or death, which has occurred due to an accident or negligence of a person, and arrest a person who violates subsection 1 of this section, except that authorized agents of the commission as defined in section 252.020, RSMo, may enforce such provisions related to hunting accidents. For the purpose of this section, a hunting accident shall be defined as any accident in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon and does not occur within a residential area.

3. Leaving the scene where a serious physical injury as defined in section 565.002, RSMo, or death, has occurred due to an accident or negligence of a person, is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been

found guilty of a violation of this section."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18, by inserting after all of said section the following:

"407.020. 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in this section shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) Any institution or company that is under the direction and supervision of the director of the department of insurance, director of the division of credit unions, or director of the division of finance, unless the directors of such divisions specifically authorize the attorney general to

implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class D felony.

4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which makes, either orally or in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court."; and

FURTHER amend said bill, section 3, page 32, line 16 by inserting after all of said line the following:

Section 4. As used in sections 4 to 9 of this act, the following terms shall mean:

(1) "Advertisement", as defined in section 407.010, RSMo;

(2) "Consumer", a natural person who purchases, may purchase or is solicited for purchase of merchandise or an investment opportunity by a telemarketer through telemarketing;

(3) "Fictitious name", any name, other than the legal name, used by a seller or telemarketer;

(4) "Investment opportunity", anything tangible or intangible that is offered for sale, sold or traded based wholly or in part on representations, either express or implied, about past, present or future income, profit or appreciation;

(5) "Material aspect or element", any factor likely to significantly influence the consumer's choice of, or conduct regarding, merchandise;

(6) "Prize", anything offered or purportedly offered or given or purportedly given to a consumer by chance. For purposes of this definition, chance exists if a consumer is guaranteed to receive anything of value and, at the time of the offer or purported offer, the telemarketer does not identify the specific item that the consumer will receive;

(7) "Promptly", immediately at the beginning of any call initiated by a telemarketer to a consumer;

(8) "Seller", any person who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide merchandise to the consumer in exchange for consideration;

(9) "Telemarketing", a plan, program or campaign which is conducted to induce the purchase or lease of merchandise by use of one or more telephones and which involves more than one telephone call;

(10) "Telemarketer", any person who, in connection with telemarketing, initiates or receives telephone calls to or from a consumer. A telemarketer includes, but is not limited to, any such person that is an owner, operator, officer, director or partner to the management activities of a business.

Section 5. 1. A telemarketer shall disclose,

promptly and in a clear and conspicuous manner, to the consumer receiving the telephone call the following:

(1) That the purpose of the telephone call is to make a sale;

(2) The telemarketer's identifiable name and the seller on whose behalf the solicitation is being made;

(3) The nature of the merchandise or investment opportunity being sold; and

(4) That no purchase or payment is necessary to be able to win a prize or participate in a prize promotion if a prize promotion is offered. This disclosure must be made before or in conjunction with the description of the prize to the consumer called.

2. Before a consumer pays for merchandise offered for sale through telemarketing, the telemarketer shall disclose, in a clear and conspicuous manner, the following:

(1) The seller or telemarketer's identifiable name and the address or telephone number where the seller or telemarketer can be reached;

(2) The total cost and quantity of the merchandise that are the subject of the telemarketing sales call;

(3) Any material restriction, limitation or condition to purchase, receive or use the merchandise that is the subject of a telemarketing sales call;

(4) Any material aspect of the nature or terms of the refund, cancellation, exchange or repurchase policies, including the absence of such policies;

(5) Any material aspect of an investment opportunity being offered, including benefits, the price of the land or other investment, and the location of the investment;

(6) Any material elements of a prize promotion, including:

(a) A description of the prize;

(b) Its market value;

(c) All material conditions to receive or

redeem the prize;

(d) The actual number of each prize to be awarded;

(e) The odds of being able to receive the prize and, if the odds are not calculable in advance, the factors and methods used in calculating the odds and the maximum number of opportunities to enter the prize promotion that are to be offered;

(f) That no purchase or payment of any kind is required to win a prize or to participate in a prize promotion;

(g) The no-purchase or no-payment method of participating in the prize promotion, with either instructions on how to participate or an address or local or toll-free telephone number to which consumers may write or call for information on how to participate. If requested by the consumer, the telemarketer shall disclose the no-purchase or no-payment method of participating in the prize promotion; and

(h) The date by which the prize will be awarded.

3. A telemarketer may not misrepresent any material aspect of the performance, quality, efficacy, nature or basic characteristics of merchandise that is the subject of a telemarketing sales call.

Section 6. It is an unlawful telemarketing act or practice for any seller or telemarketer to engage in the following conduct:

(1) Omit or misrepresent any material fact required pursuant to section 5 of this act;

(2) Threaten, intimidate or use profane or obscene language;

(3) Cause the telephone to ring or engage any consumer in telephone conversation, repeatedly or continuously in a manner a reasonable consumer would deem to be annoying, abusive or harassing;

(4) Knowingly and willfully initiate a telemarketing call to a consumer, or transfer or make available to others for telemarketing purposes a consumer's telephone number when

that consumer has stated previously that he or she does not wish to receive solicitation calls by or on behalf of the seller unless such request has been rescinded;

(5) Engage in telemarketing to a consumer's residence at any time other than between 8:00 a.m. and 9:00 p.m. local time, at the called consumer's location;

(6) Request or receive payment in advance to remove derogatory information from or improve a consumer's credit history, credit record or credit rating;

(7) Request or receive payment in advance from a consumer, to recover or otherwise aid in the return of money or any other item lost by the consumer in a prior telemarketing transaction, except that this provision shall not apply to services provided by a licensed attorney;

(8) Obtain or submit for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings, share or similar account without the consumer's express written or oral authorization. Such authorization shall be deemed verifiable if any of the following means are employed:

(a) Express written authorization by the consumer, which may include the consumer's signature on the negotiable instrument;

(b) Express oral authorization which is tape recorded and made available upon request to the consumer's bank and which evidences clearly both the consumer's authorization of payment for the merchandise that is the subject of the sales offer and the consumer's receipt of all of the following information:

a. The date of the draft or drafts;

b. The amount of the draft or drafts;

c. The payor's name;

d. The number of draft payments;

e. A telephone number for consumer inquiry that is answered during normal business hours; and

f. The date of the consumer's oral

authorization; or

(c) Written confirmation of the transaction, sent to the consumer prior to submission for payment of the consumer's check, draft or other form of negotiable paper, which shall include:

a. All of the information contained in paragraph (b) of this subdivision; and

b. The procedures by which the consumer can obtain a refund from the seller or telemarketer in the event that the confirmation is inaccurate;

(9) Procure the services of any professional delivery, courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the merchandise or investment opportunity is delivered with the opportunity to inspect before any payment is collected; or

(10) Knowingly assist or support any telemarketer when the seller knew or should have known that the telemarketer was engaged in any act in violation of sections 4 to 9 of this act.

Section 7. 1. A seller or telemarketer shall keep for a period of twenty-four months from the date the record is produced, all verifiable authorizations and records as required in this act, in the form, manner, format or place as they keep such records in the ordinary course of business, including but not limited to:

(1) All substantially different advertising, brochures, telemarketing scripts and promotional materials;

(2) For any prize with a value of twenty-five dollars or greater, the name and last known address of each prize recipient and the prize awarded;

(3) The name and last known address of each consumer, the merchandise purchased, the date such merchandise was shipped or provided and the amount paid by the consumer for the merchandise;

(4) The name, any fictitious name used, the last known home address and telephone

number, and the job title for all current and former employees directly involved in telephone sales, provided, that if the seller permits fictitious names to be used by employees, each fictitious name must be traceable to only one specific employee; and

(5) All written authorizations required to be provided or received pursuant to sections 4 to 9 of this act.

2. In the event of any dissolution or termination of the telemarketer's business, the telemarketer shall maintain all records as required pursuant to this section. In the event of any sale, assignment or other change in ownership of the seller's business, the successor shall maintain all records required pursuant to this section.

Section 8. 1. It is unlawful to violate any provision of sections 4 to 9 of this act or to misrepresent or omit the required disclosures of section 5 or 6 of this act, and pursuant to sections 407.010 to 407.130, RSMo, the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130, RSMo. The remedies available in this section are cumulative and in addition to any other remedies available by law.

2. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of section 6 of this act shall be guilty of a class D felony.

3. In addition to the remedies already provided in sections 4 to 9 of this act, any consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice pursuant to section 6 of this act shall recover actual and punitive damages, reasonable attorney's fees, court costs and any other remedies provided by law.

Section 9. The provisions of sections 4 to 8 of this act shall not apply to:

(1) Telephone calls in which the sale of merchandise is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telemarketer or seller, except that the

requirements of subsection 1 of section 5 of this act shall apply to such calls;

(2) Telephone calls initiated by a consumer that:

(a) Are not the result of any advertisement by a seller or telemarketer;

(b) Are in response to an advertisement through any media, other than direct mail or telemarketing, which disclose the name of the seller and the identity of the merchandise; provided, however, that this exemption shall not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is used to engage in telemarketing activities prohibited by subdivision (7), (8) or (9) of section 6 of this act;

(c) Are in response to direct mail solicitations that clearly and conspicuously disclose and do not misrepresent the material information required by subsection 2 of section 5 of this act; provided, however, that this exemption does not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is to engage in telemarketing activities prohibited by subdivision (7), (8) or (9) of section 6 of this act; or

(d) Are in response to the mailing of a catalog which contains a written description or illustration of the goods or services offered for sale; includes the business address of the seller, includes multiple pages of written materials or illustrations; and has been issued not less frequently than once a year, when the seller or telemarketer does not contact consumers by telephone but only receives calls initiated by consumers in response to the catalog and during those calls takes orders only without further solicitation. For purposes of this paragraph, the term "further solicitation" does not include providing the consumer with information about, or attempting to sell, any other item included in the same catalog which prompted the consumer's call or in a substantially similar catalog; and

(3) Telephone calls or messages:

(a) To any consumer with such consumer's prior express invitation or permission;

(b) To any consumer with whom the seller has an established business relationship; or

(c) By a tax-exempt nonprofit organization."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 15, Section 558.019, Line 5, by deleting "shall" and inserting in lieu thereof "may".

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting at the end of said section the following:

"Section 4. 1. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than two hundred fifty dollars and a class D felony if the value of the property is two hundred fifty dollars or more.

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

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false

promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. "Deception" includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform;

(2) "Disabled person", a person who suffers from a permanent physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense;

(3) "Elderly person", a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunction to the extent that such person is incapable of avoiding or preventing the commission of the offense;

(4) "Intimidation", the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

3. For purposes of this section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:

(1) Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;

(2) Is a joint tenant or tenant in common with the elderly or disabled person; or

(3) Has a legal or fiduciary relationship with the elderly or disabled person.

4. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

5. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.," and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.03, Line 16, by adding the following after line 16:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or

boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such

material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia, **or any attempt to steal any amount of anhydrous ammonia**, is a class D felony.

5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting at the end of said section the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; [or]

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm or any other weapon readily capable of lethal use into any school or onto any school bus, unless the person is participating in a school-sanctioned, firearm-related event.

2. Subdivisions (1), (3), (4), (6), (7), (8) [and], (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class C felony**, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be

sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."; and

Further amend title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18 of said page, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or

motorcycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **under the age of twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of **subdivisions (3) and (4) of subsection 1** of this section [shall be deemed] is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section [shall be deemed] is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, social security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such

license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to **driving without a license**, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the

licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020

For the first conviction 2 points

For the second conviction 4 points

For the third conviction 6 points

(6) Operating [without a license after suspension or revocation and] **with a suspended or revoked license** prior to restoration of operating privileges [which have been suspended or revoked] 12 points

[(6)] (7) Obtaining a license by misrepresentation 12 points

[(7)] (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

[(8)] (9) For the second or subsequent conviction of any of the following offenses however combined:

driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight 12 points

[(9)] (10) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance 8 points

[(10)] (11) Any felony involving the use of a motor vehicle 12 points

[(11)] (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

[3.] **4.** When any of the acts listed in subdivision (2), (3), (4) or [(7)] **(8)** of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section for offenses arising out of the same occurrence.

[4.] **5.** The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection [2] **3** of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month

period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege has been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege has been suspended under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision [(7)] (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(9)] (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from

its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation

or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision [(7), (8) or (9)] **(8), (9) or (10)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be

served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

302.321. 1. A person commits the crime of driving while revoked if [he] **such person** operates a motor vehicle on a highway when [his] **such person's** license or driving privilege has been canceled, suspended or revoked [under] **pursuant to** the laws of this state and acts with criminal negligence with respect to knowledge of the fact that [his] **such person's** driving privilege has been canceled, suspended or revoked.

2. [Driving while revoked is] **Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of driving while revoked is guilty of a class D felony.** No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until [he] **such person** has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service [under the supervision of] **which is supervised by** the court in those

jurisdictions which have a recognized program for community service."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 16, Section 558.019, Line 15, by inserting after said line:

"9. Any money expended from the county law enforcement fund pursuant to this section shall only be expended with the approval of the county commission."; and

Further amend, by renumbering the subsections in section 558.019; and

Further amend, section 559.021, page 17, line 14 by inserting after said line:

"3. Any money expended from the county law enforcement fund pursuant to this section shall only be expended with the approval of the county commission."; and

Further amend, by renumbering the subsections in section 559.021; and

Further amend, section 3, page 32, by inserting after said section:

"Section 4. Any money expended from the county law enforcement fund pursuant to section 570.120 RSMo. shall be annually audited by the county or state auditor. Such moneys shall only be expended with the approval of the county commission."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 6, Section 513.653, Line 5 of said page, by inserting after all of said line the following:

"557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of

subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class C felony.

2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050; which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class D felony.

3. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having an identity not traditionally associated with one's biological gender.

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the

crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]" and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting at the end of said section the following:

"573.503. Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity. **Any person who violates an ordinance adopted pursuant to this section is guilty of a class A misdemeanor.**"; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 4, Section 21.455, Line 14 of said page, by inserting after all of said line the following:

"149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

(1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;

(2) "Cigarette", an item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled or advertised as a cigarette, **or any product that contains nicotine, as intended to be burned or heated under ordinary conditions of use, and consists of or contains:**

(a) **Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or**

(b) **Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or**

(c) **Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this subdivision. "Cigarette" includes "roll-your-own", which is any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and like to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of cigarette, nine one hundredths of an ounce of "roll-your-own" tobacco shall constitute one individual cigarette;**

(3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;

(4) "Director", the director of Missouri department of revenue;

(5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;

(6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;

(7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;

(8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;

(9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty, **or a pack, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for distribution, to consumers;**

(10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;

(11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;

(12) "Sale" in this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(13) "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

(14) "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(15) "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(16) "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(17) "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(18) "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.071. 1. Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimilies or other evidence of cigarette tax payment, shall be guilty of a felony and, upon

conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

2. No tax stamp may be affixed to, or made upon, any package of cigarettes if:

(1) The package does not comply with all the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec, 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States; or

(2) The package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec, 5754;

(3) The package is labeled "For Export Only", "U.S. Tax Exempt", "For Use Outside U. S.", or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or

(4) The package, or a package containing individually stamped packages, has been altered by masking or deleting the wording described in subdivision (3) of this subsection.

3. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section shall be guilty of a class D felony upon conviction.

4. The department of revenue may revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section.

5. The department of revenue may seize and destroy or sell only for export to licensed exporters cigarette packages to which is affixed a tax stamp in violation of this section.

6. A violation of this section is a deceptive act or practice under this section.

7. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section or the application of the provision to other persons or circumstances is not affected."; and

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

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16 of said page, by inserting after all of said line the following:

"570.020. For the purposes of this chapter, the value of property shall be ascertained as follows:

(1) Except as otherwise specified in this section, "value" means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. **If the victim is a merchant, as defined in section 400.2-104, RSMo, and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property;**

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

(a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument;

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than

one hundred fifty dollars."; and

Further amend said bill, Page 27, Section 570.040, Line 2 of said page, by inserting after all of said line the following:

"570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, [he] **the person** makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) [He] **The person** makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in [his] **that** account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee

or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action under the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be [five dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one hundred dollars, and twenty-five dollars for checks of one hundred dollars or more] **twenty-five dollars for any bad check. For checks of one hundred dollars or more, an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed fifty dollars total.** Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that [previously] authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, [capital outlay,] expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney and employees' salaries.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. [Notwithstanding any other provisions of

law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check.] **Notwithstanding any other provision of law to the contrary:**

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney shall collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed thirty dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. In all cases where a prosecutor receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the prosecutor, if [he] **such prosecutor** determines there is a violation of this section, shall file an information or seek an indictment within sixty days of such notice and may file an information or seek an indictment thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and if [he] **such prosecutor** determines there is sufficient evidence shall further prosecute such cases.

8. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 335, Page 1, Section 513.653, Line 11, by inserting after all of said line the following:

"Section 1. 1. No person less than twenty-one years of age shall dance in an adult cabaret as defined in section 573.500, RSMo, nor shall any proprietor of such establishment permit any person less than twenty-one years of age to dance in an adult cabaret

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 21

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18, by inserting immediately after said line the following:

"217.800. 1. In all cases in which the governor is authorized by the constitution to grant pardons, he **or she** may grant the same, with such conditions and under such restrictions as he **or she** may think proper.

2. All applications for pardon, commutation of sentence or reprieve shall be referred to the board for investigation. The board shall investigate each such case and submit to the governor a report of its investigation, with all other information the board may have relating to the applicant together with any recommendations the board deems proper to make.

3. The department of corrections shall notify

the central repository, as provided in sections 43.500 to 43.530, RSMo, of any action of the governor granting a pardon, commutation of sentence, or reprieve.

4. In all cases in which the governor grants a reprieve or commutation of any sentence of death, the governor's office shall contact the immediate family of the victim or victims of the charged capital offense within 24 hours of the governor's decision."; and

Amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 498**, entitled:

An Act to repeal section 210.173, RSMo 1994, and sections 301.131, 301.132, 301.142, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1998, and sections 301.130 and 301.144 as both versions appear in RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-six new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 52, Section 301.451, Lines 20-24, and page 53, Section 301.451, Line 1, by deleting all of said lines and inserting in lieu thereof the following:

"each set of special purple heart license plates [issued equal to the fee charged for personalized license plates,] but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to

a qualified applicant.] **A fee for the issuance of personalized"**.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 113, Section 18, Line 20, by inserting after all of said line the following:

"Section 19. 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to

the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."; and

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

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 43, Section 301.191, Line 10, by inserting after said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. [The] **If the inspection is completed by the sheriff, the** proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of**

ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of the frame** [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

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 **HBs 246** and **405**, with **SCS**; and **HCS** for **HBs 603, 722** and **783**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Stoll moved that **HCS** for **HB 889**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 889**, as amended, was again taken up.

At the request of Senator Stoll, **SS** for **HCS** for **HB 889**, as amended, was withdrawn.

Senator Stoll offered **SS No. 2** for **HCS** for **HB 889**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 889

An Act to repeal sections 163.191 and 167.151, RSMo 1994, sections 160.051, 160.053, 160.054, 160.055, 160.415, 162.857, 162.867, 162.975 and 165.011, RSMo Supp. 1998, and section 163.011, as both versions appear in RSMo Supp. 1998, relating to school districts, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an emergency clause for a certain section and a termination date for a certain section.

Senator Stoll moved that **SS No. 2** for **HCS** for **HB 889** be adopted.

Senator Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 56, Section 167.151, Line 13 of said page by inserting immediately after said line the following:

"167.192. 1. There is hereby established a pilot program of urban early compulsory school attendance in each urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants.

2. Every parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of five and seven years is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of section 167.031.

3. A parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child between the ages of five and seven years shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that a child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof.

4. Any parent, guardian or other person having charge, control or custody of a child who violates the provisions of subsection 3 of this section is guilty of a class C misdemeanor. Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the child in a public, private, parochial, parish or home school within three public school days, after which each successive school day shall constitute a separate violation of subsection 3 of this section. The fine or imprisonment, or both, may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the child is immediately placed and kept in regular

attendance at a public, private, parochial, parish or home school and if the fact of regular attendance is proved subsequently to the satisfaction of the court. A certificate stating that the child is regularly attending a public, private, parochial or parish school and properly attested by the superintendent, principal or person in charge of the school is prima facie evidence of regular attendance by the child.

5. The school board of each such district shall provide a report to the commissioner of education, no later than December 1, 2001, regarding the effectiveness of the program established pursuant to this section in that district.

6. During any school year, the provisions of this section shall not apply to any child whose fifth birthday occurs after the cutoff date for kindergarten eligibility in the district for the school year and who is not allowed to attend kindergarten in such district."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Kenney offered SSA 1 for SA 1:

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

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 56, Section 167.151, Line 13, of said page by inserting immediately after said line the following:

"167.192. 1. There is hereby established a pilot program of urban early compulsory school attendance in each urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants.

2. Every parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and

between the ages of five and seven years may enroll the child in a program of academic instruction which complies with subsection 2 of section 167.031.

3. A parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child between the ages of five and seven years may cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Klarich requested a roll call vote be taken on SSA 1 for SA 1 and was joined in his request by Senators Childers, Rohrbach, Kenney and Westfall.

SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Singleton	Steelman
Westfall	Yeckel—14		

NAYS—Senators			
Banks	Bentley	Bland	Caskey
Clay	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Scott	Sims	Staples
Stoll	Wiggins—18		

Absent—Senators	
DePasco	Schneider—2

Absent with leave—Senators—None

SA 1 was again taken up.

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

Senator Ehlmann offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House

Committee Substitute for House Bill No. 889, Page 71, Section B, Line 14, by adding the following: "No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to 162.670 to 162.999."

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kinder, Rohrbach, Russell and Sims.

SA 2 was adopted by the following vote:

YEAS—Senators

Bland	Childers	Ehlmann	Flotron
Graves	House	Johnson	Kenney
Kinder	Klarich	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Westfall—18		

NAYS—Senators

Banks	Bentley	Caskey	DePasco
Goode	Howard	Jacob	Mathewson
Maxwell	Quick	Staples	Stoll
Wiggins	Yeckel—14		

Absent—Senators

Clay	Singleton—2
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Absent with leave—Senators—None

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 54, Section 165.011, Line 10, of said page, by inserting after all of said line the following:

"167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the

educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for three or more children whose parents or guardians do not reside in the district in which the institution is located shall have [no] authority to enroll such children in a program in the district or special district in which the institution is located [unless the institution contracts for such services and pays the actual per pupil cost for such services or unless such children are assigned pursuant to subsection 1 of this section] **and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.**

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district [by the department of mental health, the department of social services or the court]. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included as an "eligible pupil", as defined under section 163.011, RSMo, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education."; and

Further amend said bill, Page 56, Section 167.151, Line 13 of said page, by inserting after all of said line the following:

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any

suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil,

the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular program of instruction** if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

(a) First degree murder under section 565.020, RSMo;

(b) Second degree murder under section 565.021, RSMo;

(c) First degree assault under section 565.050, RSMo;

(d) Forcible rape under section 566.030, RSMo;

(e) Forcible sodomy under section 566.060, RSMo;

(f) Robbery in the first degree under section 569.020, RSMo;

(g) Distribution of drugs to a minor under section 195.212, RSMo;

(h) Arson in the first degree under section 569.040, RSMo;

(i) Kidnapping, when classified as a class A felony under section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 37, Section 163.011, Line 5, by inserting immediately after said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year [or], the number of eligible pupils for the immediately preceding year **or the number of eligible pupils for the second preceding school year**, whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual

equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, In the Title, Line 6 of said page, by striking "school districts" and inserting in lieu thereof the following: "education"; and

Further amend said bill, page 56, Section 167.151, Line 13 of said page, by inserting after all of said line the following:

"172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **the student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless [his] **such** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative while attending meetings of the board shall receive his actual expenses which shall be paid out of the ordinary revenues of the university.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.036. 1. The governor shall, by and with the advice and consent of the senate, appoint a faculty representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations

of the board. Such faculty representative shall have the same powers as other members of the board of curators except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the faculty government presidents of the campuses of the university, be a full-time faculty member at the university, be a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at such member's campus of the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made pursuant to this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a faculty member from the Columbia campus, next from the Kansas City campus, next from the Rolla campus, and then from the St. Louis campus.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend said bill, page 59, Section 173.775, line 6 of said page, by inserting after all of said line the following:

"174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents or governors of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student

representative's arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.056. 1. There shall be a faculty representative to the board of regents or governors of each educational institution referred to in section 174.020, appointed by the governor with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of each institution's faculty government association, be a full-time faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative

ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.057. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

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

Senator Rohrbach raised a further point of order that SA 5 is out of order as it goes beyond the scope, title and purpose of the bill as it came from the House of Representatives.

The points of order were referred to the President Pro Tem, who took them under advisement, which placed the bill, with SS No. 2 and SA 5 (pending) on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate refuse to concur in HS for HCS for SCS for SB 61, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HS** for **HCS** for **HB 701**, 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 **HS** for **HCS** for **HB 701** was again taken up.

Senator Wiggins assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Pages 39-44, Section 620.495, by striking all of said section from the bill; and

Further amend said bill, Pages 48-51, Section 620.1039, by striking all of said section from the bill; and

Further amend said bill, Page 51, Section 1, by striking all of said section; and

Further amend said bill, Pages 51-54, Section 2, by striking all of said section; and

Further amend said bill, Pages 54-55, Section 3, by striking all of said section; and

Further amend said bill, Pages 55-57, Section 4, by striking all of said section; and

Further amend said bill, Pages 57-59, Section 5, by striking all of said section; and

Further amend said bill, Pages 59-60, Section 6, by striking all of said section; and

Further amend said bill, Page 60, Section 7, Lines 9-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

"Section 1. Tax"; and

Further amend the title and enacting clause accordingly.

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

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 51, Section 620.1039, Line 14, of said page, by inserting after all of said line the following:

"621.052. 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, order, decision, made by an agency regarding the eligibility of a state-administered or subsidized tax credit, tax abatement or loan pursuant to subsection 1 of section 1 of this act. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director of the appropriate agency is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:

If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of Chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person

has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole county circuit court."; and

Further amend the title and enacting clause accordingly.

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

Senator Johnson offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 10, Section 135.100, Line 16, of said page, by striking "Scheduled air transportation" and inserting in lieu thereof the following: "**Airports, flying fields, and airport terminal services**"; and

Further amend said bill, page 12, Section 135.115, line 20, by inserting after all of said line the following:

"135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation

of such facility;

(4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;

(6) "Revenue producing enterprise", means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);

(e) Motor freight transportation terminal activities classified as SIC 4231;

(f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(g) Water transportation terminal activities classified as SIC 4491;

(h) **Airports, flying fields, and airport terminal services classified as SIC 4581;**

(i) Wholesale trade activities classified as SICs 50 and 51;

[(i)] (j) Insurance carriers activities classified as SICs 631, 632 and 633;

[(j)] (k) Research and development activities classified as SIC 873, except 8733;

[(k)] (l) Farm implement dealer activities classified as SIC 5999;

[(l)] (m) Employment agency activities classified as SIC 7361;

[(m)] (n) Computer programming, data processing and other computer related activities classified as SIC 737;

[(n)] (o) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;

[(o)] (p) Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;

[(p)] (q) Recycling activities classified as SIC 5093;

[(q)] (r) Banking activities classified as SICs 602 and 603;

[(r)] (s) Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

[(s)] (t) Mining activities classified as SICs 10 through 14;

[(t)] (u) The administrative management of any of the foregoing activities; or

[(u)] (v) Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget."; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 36, Section 320.093, Lines 5-6, of said page, by striking the following: "promulgated pursuant to chapter 536, RSMo,"; and

Further amend said bill and section, page 37,

line 12 of said page, by inserting after all of said line the following:

"7. 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 section 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. 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 57, Section 4, lines 17 to 20 of said page, by striking all of said lines and inserting in lieu thereof the following: **"act. 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 1 to 6 of this act 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. 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 Howard moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Howard offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No.

701, Page 17, Section 135.207, Line 1, of said page, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of

more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone in a city of the fourth classification with a population of at least three thousand but less than four thousand inhabitants located in a county of the second classification with a population of at least twenty thousand but not more than twenty-five thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.";
and

Further amend the title and enacting clause accordingly.

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

Senator Staples offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1 of said page, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such

enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone for an area that

includes property in two adjoining counties where one county is a county of the third classification without a township form of government with a population of less than sixteen thousand three hundred and more than sixteen thousand inhabitants and the other county is a county of the first classification having a population of at least one hundred seventy-one thousand but less than one hundred seventy-two thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 12, Section 135.115, Line 18, by deleting date "1996" and inserting "1990".

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

Senator Westfall offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of

section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than four thousand located in a county of the third classification with a township form of government and with a population of less than thirteen thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above

amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 35, Section 135.750, Line 2, by inserting after all of said line the following:

"143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a credit against the tax otherwise due under sections 143.005 to 143.998 for the amount of any income tax imposed on him for the taxable year by another state of the United States (or a political subdivision thereof) or the District of Columbia on income derived from sources therein and which is also subject to tax under sections 143.005 to 143.998. **Solely for purposes of this subsection, the phrase "income tax imposed" shall include any income tax credit allowed by such other state or the District of Columbia the basis for which is a charitable contribution which qualifies as a charitable deduction from income pursuant to the Internal Revenue Code of 1986, as amended if the other state or the District of Columbia authorizes a reciprocal benefit for residents of this state.**

2. The credit provided under this section shall not exceed an amount which bears the same ratio to the tax otherwise due under sections 143.005 to 143.998 as the amount of the taxpayer's Missouri adjusted gross income derived from sources in the other taxing jurisdiction bears to his Missouri adjusted gross income derived from all sources. In applying the limitation of the previous sentence to an estate or trust, Missouri taxable income shall be substituted for Missouri adjusted gross income. If the tax of more than one other taxing jurisdiction is imposed on the same item of income, the credit shall not exceed the limitation that would result if the taxes of all the other jurisdictions applicable to the item were deemed to be of a single jurisdiction.

3. For the purposes of this section, in the case of an S corporation, each resident S shareholder shall be considered to have paid a tax imposed on

the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of shareholders on an S corporation by reference to the income of the S corporation or where a composite return and composite payments are made in such state on behalf of the S shareholders by the S corporation."; and

Further amend said bill, Page 61, Section 7, Line 10, by inserting after all of said line the following:

"Section B. The repeal and reenactment of section 143.081 shall be effective January 1, 2000, and shall apply to all taxable years commencing after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

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

Senator Wiggins offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 61, Section 7, Line 10, by inserting immediately after said line the following:

"Section 8. 1. Notwithstanding any other law to the contrary, the person owning or operating a special passenger train, and the railroad or rail authority over whose tracks the special passenger train is operated, for all claims, whether for compensatory damages or punitive damages, arising from a rail incident or accident occurring in the state and involving a special passenger train, shall not exceed ten million dollars.

2. This section shall not limit the liability of a person whose intentional misconduct causes a rail incident or accident.

3. The person operating a special passenger train shall maintain insurance coverage of not less than ten million dollars per occurrence with the person and the railroad or rail authority

over whose tracks the special passenger train is operated, as named insureds. Such insurance shall not have a self-insured retention or deductible greater than one hundred thousand dollars. A person shall provide evidence of such coverage upon demand of the director of the division of insurance or by the railroad or rail authority over whose tracks the special passenger train is to be operated.

4. As used in this section the following terms mean:

(1) "Person", an individual, partnership, corporation, association, institution, city, county or other political subdivision, authority, state agency or institution, or federal government or institution;

(2) "Special passenger train", a train which carries members of the public at speeds which do not exceed thirty-five miles per hour over a common carrier railroad or railroad authority.

5. Nothing in this section shall be construed as requiring a railroad or rail authority to permit the operation of a special passenger train over its tracks."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Mathewson raised the point of order that SA 10 is out of order because it goes beyond the intent and purpose of the bill.

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

Senator Scott offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 33, Section 135.411, Line 2, of said page, by inserting after all of said line the following:

"135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri

or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means [or] of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter

143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.

4. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by

notarized endorsement which names the transferee.

5. The tax credits allowed pursuant to subsections 1, 2 and 3 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 3 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 4 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

6. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 or 3 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

7. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

8. An existing business located within a distressed community, that hires new employees within such distressed communities may be eligible for the tax credits provided in this section. In order to be eligible for such tax credits, the business located within the distressed community, during one of its tax

years, must employ within such distressed communities at least twice as many workers as were employed at the beginning of that tax year. Prior to the addition of the new employees, the business shall have no more than one hundred employees. The provisions of this section shall apply only to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, or telecommunications business or a professional firm."; and

Further amend the title and enacting clause accordingly.

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

Senator DePasco offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 701, Page 61, Section 7, Line 10, by inserting immediately after said line the following:

"Section 8. Notwithstanding any other provisions of law to the contrary, heating companies located within an enterprise zone that serve one or more commercial, nonresidential customers that are eligible to receive tax credits issued under a program administered by the department of economic development, may adjust rates for their hot or cold, steam or currents of hot or cold air that are lower than current rates established for such services without any requirement for approval or other action by the public service commission."; and

Further amend the title and enacting clause accordingly.

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

Senator Flotron offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page

51, Section 620.1023, Line 14, by inserting after all of said line the following:

"620.1300. [1. Beginning in 1997, and at least every four years thereafter, or earlier if requested by at least two members of the selection panel, an independent] A cost benefit analysis shall be prepared to evaluate the effectiveness of all programs operated by the department of economic development for which the department approves tax credits, loans, loan guarantees, or grants. Each analysis shall be conducted by [a nationally recognized accounting firm or other firm possessing expertise in the field of cost benefit analysis and the use of econometric models. The criteria for the selection of such firm shall be established by a panel composed of the governor, the treasurer and the auditor, or their designees. The office of administration shall issue and administer the contracts.] the state auditor, and shall include, but not be limited to, the costs for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program. The result of each analysis shall be published and distributed, by January 1, 2001, and every two years thereafter, to the governor, the speaker of the house of representatives, [and] the president pro tem of the senate, the chairman of the house budget committee, the chairman of the senate appropriations committee and the joint committee on economic development policy and planning.

[2. Each analysis shall include, but not be limited to, the cost to the state and political subdivisions for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program.]"; and

Further amend the title and enacting clause

accordingly.

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

Senator Flotron offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 61, Section 7, Line 10 of said page, by inserting immediately after said line the following:

"Section 1. 1. This section shall be known and may be cited as the "Summer Jobs Program". This tax credit program shall be administered by the department of economic development as a pilot project from January 1, 2000, until December 31, 2002, with the goal of creating employment for youths in urban areas. No later than December 1, 2001, the department of economic development shall submit to the general assembly a report which outlines the effectiveness of the program.

2. For all taxable years beginning on or after January 1, 2000, and before January 1, 2003, an individual or corporate taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.261, RSMo, for up to twenty-five thousand dollars of the amount expended to establish, in a city not within a county and in any city with a population greater than three hundred fifty thousand, located in more than one county, a summer job program to employ youths who are between sixteen and nineteen years of age and whose family income is equal to or below one hundred fifty percent of the federal poverty level.

3. To receive the credit allowed pursuant to this section, a taxpayer shall submit an application to the department of economic development in a form prescribed by the department of economic development. Upon approval of a taxpayer's application, the department of economic development shall issue a certificate of tax credit which shall be submitted by the taxpayer with such taxpayer's

state income tax return. Tax credits shall be issued in the order applications are received.

4. Tax credits issued pursuant to this section are transferrable and assignable, and may be carried forward to the taxpayer's five succeeding tax years or carried back to the taxpayer's three preceding tax years until the full credit has been claimed.

5. The maximum amount of tax credits allowed pursuant to this section is two hundred thousand dollars per calendar year.

6. The department of economic development shall be authorized to promulgate any rules necessary to administer the tax credit program created by this section. 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 section 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 the title and enacting clause accordingly.

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

Senator Mathewson moved that SS for SCS for HS for HCS for HB 701, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, SS for SCS for HS for HCS for HB 701, as amended, 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
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

NAYS—Senators—None

Absent—Senator Banks—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SA 1** to **HB 261**, and request the House to take up and pass the bill, as amended, which motion prevailed.

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SB 294**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 294**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 294, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 7; begs leave to report that we, after 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 House recede from its position on Senate Bill No. 294, as amended;

2. That the Senate recede from its position on Senate Bill No. 294;

3. That the attached Conference Committee Substitute for Senate Bill No. 294 be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ Danny Staples
- /s/ Ed Quick
- /s/ Ronnie DePasco
- /s/ Sarah H. Steelman
- /s/ Sam Graves

FOR THE HOUSE:

- /s/ Don Koller
- /s/ Sam Leake
- /s/ Kelly Parker
- /s/ Jewell Patek
- /s/ Don Lograsso

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

YEAS—Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Staples	Steelman	Stoll—20

NAYS—Senators

Bentley	Bland	Goode	Jacob
Kinder	Mueller	Scott	Sims
Singleton	Wiggins	Yeckel—11	

Absent—Senators

Banks	Schneider	Westfall—3
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Absent with leave—Senators—None

On motion of Senator Staples, **CCS** for **SB 294**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 294**

An Act to repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

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

YEAS—Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Graves	House

Howard	Johnson	Kenney	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Staples	Steelman	Stoll—20

NAYS—Senators

Bentley	Bland	Goode	Jacob
Kinder	Mueller	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel—12

Absent—Senators

Banks Schneider—2

Absent with leave—Senators—None

The President declared the bill passed.

Senator Staples moved that the emergency clause be adopted.

Senator Singleton was recognized to speak on the motion.

Senator Mathewson raised the point of order that under the provisions of Senate Rule No. 59, an emergency clause is nondebatable.

Senator Maxwell assumed the Chair.

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

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Kenney
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Yeckel—25			

NAYS—Senators

Bentley	Bland	Kinder	Singleton
Wiggins—5			

Absent—Senators

Goode Johnson Klarich Westfall—4

Absent with leave—Senators—None

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

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

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

HOUSE BILLS ON THIRD READING

Senator Stoll moved that **HCS for HB 889**, with **SS No. 2, SA 5** and points of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey withdrew his point of order on **SA 5**.

Senator Rohrbach withdrew his point of order on **SA 5**.

SA 5 was again taken up.

Senator Russell offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, by deleting all of section 172.036, page 3 of the amendment through page 4; and

Further amend senate amendment no. 5, page 6, by deleting section 174.056 through page 7 and 2 lines on page 8 of said amendment.

Senator Russell moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SA 1 to SA 5** and was joined in his request by Senators Bland, House, Rohrbach and Singleton.

SA 1 to SA 5 was adopted by the following vote:

YEAS—Senators

Banks	Caskey	Childers	Ehlmann
Flotron	Graves	Kenney	Kinder
Mathewson	Mueller	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Westfall	Yeckel—19	

NAYS—Senators

Bentley	Bland	Clay	Goode
House	Howard	Jacob	Klarich
Maxwell	Quick	Scott	Stoll
Wiggins—13			

Absent—Senators

DePasco	Johnson—2
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Absent with leave—Senators—None

SA 5, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, pages 37-41, Section 163.191, by striking the section from the bill in its entirety; and further amend said bill, by amending the titling and enacting clause accordingly.

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

Senator Steelman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 60, Section 2, Line 11 of said page, by inserting at the end of said line the following: **"Grants may also be used for explicit phonics instruction, in any district, consistent with the requirements for the pilot program established pursuant to section 6 of this act."**; and

Further amend said bill, page 71, Section 7, Line 7 of said page, by inserting after all of said line the following:

"Section 8. Notwithstanding any provision of law to the contrary, beginning with the 1999-2000 school year, there is hereby established within each subdistrict of each metropolitan school district, a pilot project of explicit phonics instruction for students up to and including third grade. This project shall employ the

methodology of teaching public school students to pronounce and read words by learning the phonetic sound associations of individual letters, letter groups and syllables and the principles governing these associations. Reading instruction using implied recognition of words or partial words through the use of pictures or other references other than explicit pronunciation of phonetic letter combinations shall not be admitted as a substitute or in combination with explicit phonics instruction."; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, Section A, Line 8, by adding the following:

"Section 1.028. The general assembly recognizes that English is the [most] common language used in Missouri and recognizes that fluency in English is necessary for full integration into our common American culture[.] **for reading readiness.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, In the Title, Lines 8-9 of said page, by striking "a certain section" and inserting in lieu thereof the following: "certain sections"; and

Further amend said bill, Page 10, Section 160.415, Line 10 of said page, by inserting after all of said line the following:

"162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the

length of term for which they were elected, **and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.**

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28.

Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment [until the next election for members of the board, when the vacancy shall be filled] for the remainder of the term."; and

Further amend said bill, Page 71, Section B, line 9 of said page, by striking "section" and inserting in lieu thereof the following: "sections 162.601, 162.611 and"; and further amend line 10 of said page, by striking "is" and inserting in lieu thereof "are" and further amend line 13 of said page, by striking "section" and inserting in lieu thereof the following: "sections 162.601, 162.611 and"; and

Further amend the title and enacting clause accordingly.

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

Senator Stoll moved that **SS No. 2** for **HCS** for **HB 889**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS No. 2** for **HCS** for **HB 889**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller

Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators

Graves	Rohrbach—2
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Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

DePasco	Johnson	Quick	Scott—4
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Absent with leave—Senators—None

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

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

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

PRIVILEGED MOTIONS

Senator House moved that **SS No. 2** for **SB 163**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS No. 2 for SB 163, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 163

An Act to repeal section 170.011, RSMo 1994,

relating to public school instruction in the social sciences, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **HCS for SS No. 2** for **SB 163** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Johnson	Quick—2
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Absent with leave—Senators—None

On motion of Senator House, **HCS for SS No. 2** for **SB 163** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	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—33			

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Wiggins moved that **SCS** for **SB 498**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 498**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 498

An Act to repeal section 210.173, RSMo 1994, and sections 301.131, 301.132, 301.142, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1998, and sections 301.130 and 301.144 as both versions appear in RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **HS** for **SCS** for **SB 498**, as amended, be adopted.

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

Senator Scott moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, and further, that the conferees be allowed to exceed the differences for the police officers', fire fighters', and school teachers' pensions, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Clay moved that **HCS** for **HB 349**, 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 349** was again taken up.

At the request of Senator Schneider, **SS** for **SCS** for **HCS** for **HB 349** was withdrawn.

Senator Clay offered **SS No. 2** for **SCS** for **HCS** for **HB 349**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 349

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to taxation.

Senator Clay moved that **SS No. 2** for **SCS** for **HCS** for **HB 349** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Section 620.1487, Line 11 of said page, by striking "secondary school"; and further amend line 12 of said page, by striking "elementary school,"; and

Further amend said bill, Page 5, Section 620.1493, Line 13 of said page, by striking the word "ten" and inserting in lieu thereof the word "eighteen".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Childers, Singleton and Westfall.

Senator Childers offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Line 5, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen".

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

President Wilson assumed the Chair.

Senator Maxwell assumed the Chair.

SA 1, as amended, was again taken up.

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

YEAS—Senators

Banks	Bland	Caskey	Childers
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Russell
Sims	Singleton	Staples	Stoll
Westfall—17			

NAYS—Senators

Bentley	Clay	DePasco	Ehlmann
Flotron	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Steelman	Wiggins	Yeckel—15	

Absent—Senators

Quick Scott—2

Absent with leave—Senators—None

Senator Clay moved that **SS No. 2** for **SCS** for **HCS** for **HB 349**, as amended, be adopted.

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

At the request of Senator Clay, **HCS** for **HB 349**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Banks, on behalf of the Conference Committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, submitted the following conference committee report no. 2:

**CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 8 and 173**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the

House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, with House Amendments Nos. 1, 2 and 3; begs leave to report that we, after 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 House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, with House Amendments Nos. 1, 2 and 3;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 8 & 173; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ J. B. "Jet" Banks	/s/ Lana Ladd Stokan
/s/ Harry Wiggins	/s/ Joseph L. Treadway
/S/ Ken Jacob	/s/ Gracia Backer
/s/ Betty Sims	/s/ Carson Ross
/s/ Marvin Singleton	/s/ Charles Pryor

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

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senators

Quick Scott—2

Absent with leave—Senators—None

On motion of Senator Banks, **CCS No. 2** for **HS** for **HCS** for **SCS** for **SBs 8** and **173**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
NO. 2
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 8 and 173

An Act to repeal sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 334.655 and 334.660, RSMo Supp. 1998, relating to health and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date for a certain section and a penalty provision.

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

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senators

Johnson	Mathewson	Quick	Scott—4
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Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Banks 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 moved that the Senate request the House to grant further conference on **HS** for **HCS** for **SB 20**, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HS** for **HB 516**, 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 House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 139**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 139**.

Emergency clause adopted.

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 **SB 61**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 701**, 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 refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 139**, submitted the following conference committee

report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 139

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 139, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the 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. 139, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 139;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Harry Wiggins	/s/ Francis Overschmidt
/s/ Sidney Johnson	/s/ Gary Wiggins
/s/ Stephen Stoll	/s/ Sam Leake
/s/ Morris Westfall	/s/ Beth Long
/s/ John T. Russell	/s/ Judy Berkstresser

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

YEAS—Senators

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

NAYS—Senator Graves—1

Absent—Senators
Maxwell Schneider Scott Staples—4

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 139**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 139

An Act to repeal sections 144.190 and 144.605, RSMo Supp. 1994, relating to taxation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections.

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

YEAS—Senators

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

NAYS—Senator Graves—1

Absent—Senators
Maxwell Schneider Scott Staples—4

Absent with leave—Senators—None

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
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators

Graves Steelman—2

Absent—Senators

Maxwell Schneider Scott Staples—4

Absent with leave—Senators—None

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

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

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

Senator Jacob moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 516**, as amended, 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 **HCS** for **SS** for **SCS** for **SB 335**, as amended: Senators Caskey, Mathewson, Scott, Westfall and Singleton.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 516**, as amended: Senators Quick, Mathewson, Jacob, Ehlmann and Mueller.

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 **SB 61**, as amended: Senators Johnson,

Mathewson, Stoll, Bentley and Westfall.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended, and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 896, regarding the death of Mrs. Mary Frances Baar, Kansas City, which was adopted.

Senator Schneider offered Senate Resolution No. 897, regarding James Patrick Mulvaney, which was adopted.

Senator House offered Senate Resolution No. 898, regarding Daniel A. Doelling, St. Charles, which was adopted.

Senator Klarich offered Senate Resolution No. 899, regarding Blake Kluesner, Washington, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. George Fuchs, M.D., Columbia.

Senator Maxwell introduced to the Senate, members of the 241st Air Traffic Control Squadron: Lieutenant Colonel Craig McCord, Staff Sergeant Brian Maday, Staff Sergeant Ken Carlwell and General Baker.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, May 13, 1999.

SENATE CALENDAR

SEVENTY-SECOND DAY—THURSDAY, MAY 13, 1999

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 440-Schneider
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 274-House, et al,
with SCS | 7. SB 98-Kenney |
| 2. SBs 18, 49 & 167-
Goode, et al, with SCS | 8. SJR 29-Caskey |
| 3. SBs 398 & 376-Maxwell,
with SCS | 9. SB 16-Mathewson,
et al, with SCA 1 |
| 4. SB 507-Childers | 10. SB 52-Klarich and
Flotron |
| 5. SB 413-Johnson, et al | 11. SB 236-Stoll |
| 6. SJR 16-Schneider, with SCS | 12. SB 447-Stoll |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 267, with
SCS (Scott)
(In Budget Control) | 10. HCS for HBs 430 & 648,
with SCS (Quick) |
| 2. HS for HCS for HBs 246 &
405-Bray, with SCS (Clay) | 11. HS for HCS for HBs 283, 286,
325, 370, 551, 36, 42, 73,
111, 341, 619, 62
& 579-Hosmer, with
SCS (Caskey)
(In Budget Control) |
| 3. HCS for HBs 603, 722
& 783, with SCS (Goode) | 12. HS for HCS for HB 826-
Harlan, with SCS
(Howard)
(In Budget Control) |
| 4. HB 64-Long (Russell) | 13. HCS for HJR 26, with
SCS (Staples) |
| 5. HS for HCS for HB 822-
Liese, with SCS (Clay) | 14. HS for HCS for HBs 718,
225, 876 & 838-Harlan, with
SCS (Maxwell)
(In Budget Control) |
| 6. HCS for HBs 321 & 493,
with SCAs 1 & 2 (House) | |
| 7. HCS for HBs 192 & 945,
with SCS (Maxwell) | |
| 8. HCS for HB 389, with
SCS (Klarich) | |
| 9. HCS for HB 599, with
SCS (Jacob) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|--|---|
| SS for SCS for SBs 75,
381 & 204-Wiggins | SCS for SB 425-Stoll, et al
SB 472-House |
| SS for SCS for SBs 347,
40, 241 & 301-House | |

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

HB 191-Dougherty, et al, with SCS, SS for SCS & SA 6 (pending) (Maxwell)	HS for HCS for HB 618- Harlan, with SCS, SS#2 for SCS & SA 1 (pending) (Maxwell)
HCS for HBs 316, 660 & 203, with SCS (Howard)	HCS for HB 676, with SCS, SS for SCS & SA 11 (pending) (Stoll)
HCS for HB 349, with SCS & SS#2 for SCS (pending) (Clay)	HCS for HB 780, with SCS (Stoll)
HB 468-Koller, with SCS, SA 1, SSA 1 for SA 1 & point of order (pending) (Staples)	HS for HCS for HB 793- Treadway, with SCS (Mathewson)
HB 542-Barry, with SCS (House)	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)

Reported 4/15

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

SENATE BILLS WITH HOUSE AMENDMENTS

SB 115-Russell, with
HCA 1

SCS for SB 498-Wiggins,
with HS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SBs 8 & 173-Banks,
with HS for HCS, as
amended
(Senate adopted CCR#2
and passed CCS#2)

SB 20-Goode, et al, with
HS for HCS, as amended
(Senate requests House
grant further conference)

SCS for SB 61-Bentley,
with HS for HCS, as
amended

SB 196-DePasco, with HCS,
as amended
(Senate adopted CCR
and passed CCS)

SS#2 for SB 288-Quick,
with HCS, as amended

SB 294-Staples, with HA 1,
HA 2, HA 3, HA 4,
HA 6 & HA 7

(Senate adopted CCR
and passed CCS)

SB 326-Goode, with HS

SS for SCS for SB 335-
Caskey, with HS for
HCS, as amended

SS for SCS for SB 338-
Howard and Sims, with
HS for HCS, as amended

SCS for SB 436-Quick,
with HS for HCS, as
amended

HCS for HB 343, with SCS,
as amended (Caskey)

HB 368-Murray and
Franklin, with SCS, as
amended (Goode)

HCS for HB 490 & HCS for
HB 308, with SS for
SCS, as amended (Sims)

HS for HB 516-Gaw, with
SS for SCS, as amended
(Jacob)

HS for HCS for HB 701-
Rizzo, with SS for SCS,
as amended (Mathewson)

HS for HCS for HB 852-
Hosmer, with SCS
(Caskey)

Requests to Recede or Grant Conference

SCS for SBs 308 & 314-
Scott and Russell,
with HS for HCS, as amended
(Senate requests House
recede or grant conference)

HB 261-Auer, with SA 1 (Scott)
(Senate requests House
take up and pass the bill)

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 9-Mueller

SR 840-Steelman
SR 841-Schneider

Reported from Committee

SR 588-Sims

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