

# Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY—THURSDAY, MAY 13, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Dear God: We feel the pressure and hear the clock ticking, the work that is yet to be done demands our attention and the hour hand seems to move like the minute hand did weeks ago. So we call on You to empower us with the ability to go about our duty knowing You watch over us, You provide Your peace to calm us down, and You grant us wisdom so that which is important will be accomplished among us. We give You thanks, Oh God, for Your blessed presence. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

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

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 900

WHEREAS, the members of the Missouri Senate always enjoy acknowledging milestones attained by those institutions which have played an historically important role in Show-Me State heritage; and

WHEREAS, on Saturday, May 15, 1999, a special observance in Carthage, Missouri, will commemorate the 1849 start of construction on historic Kendrick Place, an event scheduled in conjunction with National Historic Preservation Week which runs from May 9 through May 15; and

WHEREAS, one hundred fifty years ago the Kendrick family built a home which family descendants, Jackie and Herschel Stroud, contracted to sell to Victorian Carthage, Incorporated in 1989; and

WHEREAS, opened as a museum in 1991 after considerable restoration, Kendrick Place will pay off and burn its mortgage to the Stroud family during this year's anniversary celebration using funds raised almost exclusively from its annual home tour; and

WHEREAS, as part of the festivities, Company B of the 4th Missouri Infantry commanded by Captain Bill Dedman and Company A of the 3rd Missouri Cavalry Dismounted commanded by Captain Doug Moody will provide a Confederate States Army reenactment with drills and camp life; and

WHEREAS, crafts such as spinning, basket weaving, rope making, quilting, and lye soap making will be demonstrated along with dutch-oven cooking and music provided by dulcimer players, a banjo player, and the Carthage Community Band under the direction of Marvin VanGilder; and

WHEREAS, in addition to their literal role as Kendrick family descendants, Jackie and Herschel Stroud will recreate the personages of Dr. Albert G. and Pamela Huffman dressed in historical era clothing and with authentic medical instruments in an endeavor to illustrate what it was like to live during the war years, practice medicine in the Union Army, and care for the sick and

wounded in recuperation hospitals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the work of Victorian Carthage, Incorporated as it celebrates the One Hundred Fiftieth anniversary of the founding of Kendrick Place and to congratulate the esteemed Stroud family and all of the other participants in this festive and historical Civil War era reenactment for a job very well done; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in commemoration of the Sesquicentennial celebration of Kendrick Place.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 901

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred twenty-five dollars (\$825.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his or her office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Maxwell offered Senate Resolution No. 902, regarding Brandie Roberts, Atlanta, which was adopted.

**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 **HS** for **HCS** for **HB 701**, as amended: Senators Mathewson, Johnson, Scott, Childers and Klarich.

**PRIVILEGED MOTIONS**

Senator Scott moved that the Senate request the House to return **CCS** for **SS** for **SCS** for **HB 65** to the Senate for further consideration, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 267**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended, and grants 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.

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 **HS** for **HB 516**, as amended: Representatives Gaw, Bray, VanZandt, Gibbons and Hegeman.

**HOUSE BILLS ON THIRD READING**

**HS** for **HCS** for **HB 793**, with **SCS**, entitled:

An Act to repeal sections 313.805, 313.807, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

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

**SCS** for **HS** for **HCS** for **HB 793**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 793

An Act to repeal sections 313.805, 313.807, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **HS**

for **HCS** for **HB 793** be adopted.

Senator Johnson assumed the Chair.

Senator Mathewson offered **SS** for **SCS** for **HS** for **HCS** for **HB 793**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 793

An Act to repeal sections 313.805, 313.807, 313.812, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 793** be adopted.

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. 793, Page 31, Section 1, Line 8 of said page, by striking the word "personal"; and

Further amend said bill, Page 35, Section 3, Lines 6-8 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(2) Licensees".

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

Senator Mathewson 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. 793, Page 1, Section A, Line 6, by inserting immediately after said line the following:

"313.270. 1. The director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.200 to 313.350, including procurements which

integrate functions such as lottery game design, supply of goods and services, and advertising. The lottery commission by approved rule may purchase goods made in the state of Missouri to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded to lottery contractors or lottery vendors on the basis of lowest and best bid on an evaluated basis in order to maximize revenues to the lottery fund. The director may also utilize state purchasing procedures. The director shall award at least ten percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to minority business enterprises as defined by the office of administration and shall award at least five percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to women business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

2. Any contract awarded to any lottery contractor or vendor shall provide that such contractor or vendor shall award a minimum of ten percent of his subcontracted business to minority business enterprises as defined by the office of administration and shall award a minimum of five percent of his subcontracted business to women business enterprises as defined by the office of administration. This section shall not apply to multistate lottery.

3. Any lottery vendor which enters into a contract to supply lottery materials, services or equipment for use in the operation of the state lottery shall first disclose such information as the commission may require, by rule and regulation, concerning the selection of lottery vendors.

4. The costs of any investigation into the background of the applicant seeking a contract shall be assessed against the applicant and shall be paid by the applicant at the time of billing by the state.

5. Performance bonds shall be posted by each contractor with the commission with a surety acceptable to the commission in an amount as may be required by the commission, but not to exceed

the expected total value of the contract. The contract of any lottery contractor who does not comply with such requirements may be terminated by the commission. The commission may terminate the contract of any lottery vendor who:

- (1) Is convicted of any felony;
- (2) Is convicted of any gambling-related offense;
- (3) Is convicted of any crime involving fraud or misrepresentation;
- (4) Fails to comply with the rules and regulations of the commission existing at the time the contract was entered into; or
- (5) Fails to periodically update any disclosure requirements.

[6. The provisions in this section requiring that certain percentages of lottery contracts and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial minorities shall expire on January 1, 2000.]; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 1 to SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 1, Section 313.270, Line 13, by placing an opening bracket after the word "procedures."; and

Further amend page 2, line 12, by placing a closed bracket after the word "lottery."; and further by renumbering the remaining subsections accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Mathewson offered **SSA 1 for SA 1 to SA 2**, which was read:

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

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 3, by deleting the bracket at the beginning of subsection 6 and inserting after the 2 in the last line the following "005[".

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

**SA 2**, as amended, was again taken up.

President Wilson assumed the Chair.

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

Senator Caskey 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. 793, Page 26, Section 572.010, Line 19, by inserting a "[" after the word "replay"; and

Further amend said line, by inserting a period after "replay"; and

Further amend same section, page 27, line 5, by inserting a "]" after the word "play.".

Senator Caskey moved that the above amendment be adopted.

Senator Flotron offered **SSA 1 for SA 3**:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 2, by deleting the complete sentences on line 2 through 5 and lines 24 through 2 of page 28 and inserting in lieu thereof the following:

**"No amusement device, as described in section 572.010, RSMo, that is operating in this state shall allow the wholesale value of any prize for a single play to exceed the amount of the value of a single play of the amusement device or five dollars whichever is greater; nor shall the value of any prize for multiple plays exceed the cumulative value of play of the amusement device or two hundred fifty dollars, whichever is lesser; and such prizes shall not thereafter be sold or transferred for cash or any other consideration."**

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 793**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

**HCS** for **HB 267**, with **SCS**, entitled:

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.240, 311.293, 311.298, 311.310, 311.328, 311.329, and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Scott.

**SCS** for **HCS** for **HB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 267

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329, and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 267** be adopted.

Senator Scott offered **SS** for **SCS** for **HCS** for

**HB 267**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 267

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329 and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 267** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 8, by deleting the number "3" and inserting in lieu thereof the number "4".

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

Senator Wiggins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 1, Section A, Line 7 of said section, by inserting immediately after said line the following:

"311.091. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this

state or within two hundred yards of a location which would otherwise be licensable under this chapter **and on the premises of vessels, operated under single ownership, registered by the United States Coast Guard by Certificate of Documentation, with a passenger capacity under one hundred persons each, and operating on impounded waters in a city having a population of at least four hundred thousand and located in more than one county.** The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year."; and

Further amend the title and enacting clause accordingly.

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

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

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, by inserting a new section 1 at the end of the bill: "Unless a on duty peace officer for the Division of Liquor Control is working undercover, such peace officer shall immediately upon entering the premises of a retail licensee present such officer's identification to the licensee or employee in charge."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Singleton offered **SSA 1** for **SA 3**:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee

Substitute for House Committee Substitute for House Bill No. 267, Page 21, Section 311.680, Line 2, by deleting all new subsections beginning at said line to include remaining page 21, page 22, page 23, page 24.

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

**SA 3** was again taken up.

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

Senator Caskey offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 2, Section 311.093, Line 13, by inserting after said line the following:

"311.095. 1. Notwithstanding any other provisions of this chapter to the contrary, **except as provided in subsection 2 of this section**, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term "resort" means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from

nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in subsection [2] 3 of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

**2. In any county seat of a county of the first classification without a charter form of government with a population of at least sixty-two thousand but less than eighty thousand, no person shall be granted a resort license unless such person otherwise complies with local ordinances.**

[2.] 3. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter.

[3.] 4. The times for opening and closing the establishments as fixed in section 311.290, the

authority for the collection of fees by counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed under section 311.090.

[4.] 5. Any new resort or restaurant establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment."; and

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

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

Senator Flotron offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 4, Section 311.098, Line 1, by inserting immediately after said line the following:

"311.102. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of [11:00] 9:00 a.m. on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment located in a city not within a

county or in a county of the first classification having a charter form of government with a population of at least nine hundred thousand or more inhabitants or in a county of the first classification having a charter form of government containing any portion of a city with a population of three hundred eighty thousand or more or in any city with a population of three hundred eighty thousand or more which is located in more than one county which has occupancy capacity for patrons of at least three hundred and which has gross annual sales in excess of two hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees."; 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 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 2, Section 311.098, Line 20, by striking "11:00" and inserting in lieu thereof the following: "[11:00] **9:00**"; and

Further amend said bill, Page 2, Section 311.098, Line 25, by inserting immediately after the word "feet," the following: "**or in the case of an outdoor amusement place whose business property equals or exceeds one acre in size,**"; and

Further amend said bill, Page 2, Section

311.098, Line 27, by inserting after the word "basketball" the following: ", **miniature golf, darts, horseshoes**"; and

Further amend said bill, Page 3, Section 311.098, Line 1, by inserting after the word "occur," the following: "**or a motor speedway or drag strip where auto racing occurs, or an ice skating rink or roller skating rink,**"; and

Further amend said bill, Page 3, Section 311.098, Line 14, by inserting after all of said line the following:

**"3. If any amusement place has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings on the same business property where intoxicating liquor is sold, such license shall be valid for the sale of intoxicating liquor at any such building."**; and

Further amend said bill, Page 3, Section 311.098, Line 15, by striking the numeral "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, Page 3, Section 311.098, Line 18, by striking "11:00" and inserting in lieu thereof the following: "[11:00] **9:00**".

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

Senator Clay offered **SA 7:**

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 14 of said page, by inserting after all of said line the following:

**"Section 1. Notwithstanding any other provisions of chapter 311, RSMo, to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits equipment to properly preserve and serve distilled spirits. To facilitate the delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail**



**licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components; and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering same for a period of not less than one year.";** and

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

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

Senator Schneider offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 20, Section 311.660, Line 7, by inserting at the end of said line the following: **"; and**

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

Further amend the title and enacting clause

accordingly.

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

Senator Childers offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 22, Section 311.680, Line 7, by deleting the remainder of page 22 following line seven and all of page 23 and lines 1 and 2 on page 24; and further amend page 24, line 9, by deleting the words "shall not" and insert in lieu thereof the word **"may"**; and further amend page 24, line 12, by deleting the word "not" on said line.

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

Senator Bland offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 14, by inserting immediately after said line the following:

**"Section 1. 1. Any person who is licensed pursuant to chapter 311, RSMo, to sell or serve alcoholic beverages at any establishment a warning sign as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects.". The licensee shall display such sign in a conspicuous place on the licensed premises.**

**2. Any employee of the supervisor of liquor control may report a violation of this section to the supervisor, and the supervisor shall issue a warning to the licensee of the violation.";** and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HCS** for **HB 267**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey	Russell	Westfall—3
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Absent—Senators

Banks	Bentley—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Scott 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 adopted the Conference Committee Report on **HCS** for **SB 196**, as amended, and has taken up and passed **CCS** for **SB 196**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 294**, as amended, and has taken up and passed **CCS** for **SB 294**.

Emergency clause defeated.

Bill ordered enrolled.

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 **HS** for **HCS** for **HB 701**, as amended: Representatives Rizzo, Bonner, Mays (50), Hohulin and Vogel.

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 **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 368**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 368**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 30** and has again taken up and passed **SCS** for **HCR 30**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HCR 29** and has again taken up and passed **SCS** for **HCS** for **HCR 29**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HCRs 24** and **15** and has again taken up and passed **SCS** for **HCS** for **HCRs 24** and **15**.

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 No. 2 on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SCS** for **SBs 8** and **173**.

Bill ordered enrolled.

#### 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 **SCS** for **SBs 308** and **314**, as amended: Senators Scott, Staples, Mathewson, Sims and Mueller.

#### PRIVILEGED MOTIONS

Senator Sims, on behalf of the conference committee appointed 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, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 490 AND HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 308

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, 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 House recede from its position on House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, as amended;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Betty Sims /s/ Kate Hollingsworth

/s/ J. T. Howard /s/ Pat Dougherty

/s/ Mary Bland /s/ Phillip M. Britt

/s/ Sidney Johnson /s/ Carson Ross

/s/ Roseann Bentley /s/ Emmy McClelland

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

At the request of Senator Sims, the motion to adopt the conference committee report was withdrawn.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **HB 20**, as amended, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 20

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 20, with House Amendments Nos. 1, 2, 3, 4, 5 and 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 House Substitute for House Committee Substitute for Senate Bill No. 20, as amended;

2. That the Senate recede from its position on

Senate Bill No. 20; and

3. That the attached Conference Committee Substitute No. 2 for House Substitute for House Committee Substitute for Senate Bill No. 20, be truly agreed to and finally passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Wayne Goode	/s/ Mike Schilling
/s/ Joe Maxwell	/s/ Craig Hosmer
/s/ John D. Schneider	/s/ Vicky Riback Wilson
/s/ Roseann Bentley	/s/ Peter Myers
/s/ Franc Flotron	/s/ Cindy Ostmann

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

YEAS—Senators

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

NAYS—Senators

Kenney Kinder Klarich—3

Absent—Senators—None

Absent with leave—Senators—None

Senator Goode moved that **CCS No. 2** for **HS** for **HCS** for **SB 20** be read the 3rd time and finally passed.

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

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 326**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 326

Mr. President: Your Conference Committee, appointed to confer with a like committee of the

House, on House Substitute for Senate Bill No. 326; 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 Senate Bill No. 326;
2. That the Senate recede from its position on Senate Bill No. 326; and
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 326 be truly agreed to and finally passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Wayne Goode	/s/ Tim Harlan
/s/ Jerry Howard	/s/ Charles Q. Troupe
/s/ Bill Kenney	/s/ Lana Ladd Stokan
/s/ Jim Mathewson	/s/ Mark Richardson
/s/ Betty Sims	/s/ Patrick Naeger

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

YEAS—Senators

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

NAYS—Senator Singleton—1

Absent—Senators

Schneider Sims—2

Absent with leave—Senators—None

On motion of Senator Goode, **CCS** for **HS** for **SB 326**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 326

An Act to repeal sections 197.310, 197.315, 197.325, 197.330, 197.335, 197.350, 197.360,

197.365, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.305, 197.313, 197.316, 197.317, 197.318, 197.320, 198.067 and 198.439, RSMo Supp. 1998, relating to nursing home reimbursement and regulation, and to enact in lieu thereof thirty new sections relating to the same subject, with an emergency clause for certain sections, expiration dates for certain sections and penalty provisions.

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	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Sims—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	Rohrbach	Russell
Schneider	Scott	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Singleton—1

Absent—Senator Sims—1

Absent with leave—Senators—None

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

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

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

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 368**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 368

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 368, as amended, 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 Bill No. 368, as amended;
2. That the House recede from its position on House Bill No. 368;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode	/s/ Dana Murray
/s/ John D. Schneider	/s/ Timothy P. Green
/s/ Joe Maxwell	/s/ Richard Franklin
/s/ John T. Russell	/s/ Ed Hartzler
/s/ Morris Westfall	/s/ Judy Berkstresser

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

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Steelman—1

Absent—Senator Sims—1

Absent with leave—Senators—None

On motion of Senator Goode, **CCS** for **SCS** for **HB 368**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 368

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and sections 21.145, 105.267, 217.665 and 476.380, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof eight new sections relating to the same subject.

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

YEAS—Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Sims	Staples	Stoll
Westfall	Wiggins—22		

NAYS—Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Singleton	Stelman	Yeckel—12

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 180**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

**RECESS**

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

**RESOLUTIONS**

Senator Wiggins offered Senate Resolution No. 903, regarding the death of Clifford M. Davis, Raytown, which was adopted.

Senators Rohrbach and Mathewson offered Senate Resolution No. 904, regarding Harold and LaVern Jones, Pilot Grove, which was adopted.

Senator Rohrbach offered Senate Resolution No. 905, regarding the Morgan County R-1 High School Math Team, Stover, which was adopted.

Senator Banks offered Senate Resolution No. 906, regarding Pastor Bill L. Little, Memorial Missionary Baptist Church, St. Louis, which was adopted.

**PRIVILEGED MOTIONS**

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, was again taken up.

Senator Wiggins moved that **HS** for **SCS** for **SB 498**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	DePasco	Ehlmann
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Russell	Schneider

Scott            Singleton        Steelman    Stoll  
 Westfall        Wiggins            Yeckel—23

NAYS—Senators  
 Howard        Jacob                Mueller       Rohrbach  
 Sims—5

Absent—Senators  
 Banks            Bland                Childers       Clay  
 Flotron           Staples—6

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

Absent with leave—Senators—None

On motion of Senator Wiggins, **HS** for **SCS** for **SB 498**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators  
 Bentley        Caskey                DePasco        Ehlmann  
 Flotron        Graves                House            Johnson  
 Kenney        Kinder                Klarich        Mathewson  
 Maxwell        Quick                Russell        Schneider  
 Scott            Singleton                Steelman        Stoll  
 Westfall        Wiggins                Yeckel—23

NAYS—Senators—None

Absent—Senators  
 Banks            Clay                Ehlmann        Quick  
 Staples—5

Absent with leave—Senators—None

At the request of Senator Goode, the motion for adoption of the conference committee report no. 2 was withdrawn.

**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 grants the Senate further conference on **HS** for **HCS** for **SB 20**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 20**, as amended: Representatives Schilling, Hosmer, Riback Wilson, Myers and Ostermann.

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 **SBs 160** and **82**, entitled:

An Act to repeal sections 64.170, 70.240, 72.409, 72.416, 249.645, 321.322, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760, 393.770, 640.605, 640.615,

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Wiggins 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.

Having voted on the prevailing side, Senator Goode moved that the vote by which Conference Committee Report No. 2 for **HS** for **HCS** for **SB 20**, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

644.051 and 650.295, RSMo 1994, and sections 71.012, 71.015, 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418, 72.422, 247.030, 247.040, 640.100, 640.620 and 644.031, RSMo Supp. 1998, and to enact in lieu thereof sixty-one new sections relating procedures of certain political subdivisions, with an emergency clause for certain sections.

With House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 10.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 and 82, Page 130, Section 91.055, Line 18, by inserting after the following: "**91.055**" the following: "**1.**"; and

Further amend said bill, Page 131, Section 91.055, Line 2, by inserting after all of said line the following:

**"2. In any county of the first classification with a charter form of government and having a population of more than six hundred thousand but less than nine hundred thousand inhabitants, when a public water supply district cannot fully supply the water needs of a customer, including fire fighting needs, a municipality adjacent to or overlapping such district shall have the right to supply all of the water requirements of such customer."**

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 19, Line 19, by inserting after all of said line the following:

**"Section 20. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination**

**is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.**

**2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.**

**3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity.";** and

Further amend the title and enacting clause accordingly.



## HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 19, Line 19, by inserting after all of said line the following:

**"Section 21. 1. The governor is hereby authorized and empowered to transfer, grant and convey approximately one hundred five acres in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to the Missouri department of natural resources. The property to be conveyed to the Missouri department of natural resources by the governor, state of Missouri, is more particularly described as follows:**

**A 105-acres, more or less, of land located in that part of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, generally described as follows: lying south of and southwest of the Missouri Pacific Railroad, West of Workman's Creek, North of Missouri State Highway 179, and East and South of tract of land currently owned by Donald and Patsy Russell.**

**2. The Missouri Department of Natural Resources shall survey and legally describe the above tract of land, and the legal description of said survey shall be used in the instrument of conveyance from the Governor, State of Missouri, to the Department of Natural Resources.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**Section 22. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey the remaining interest, after the transfer referred to in section 1 of this act, in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall**

**be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section.**

**2. The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**Section 23. 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the city of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the city of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:**

**Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows:**

**BEGINNING at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east**

**line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the POINT OF BEGINNING. Containing in all, .043 acres.**

**2. The attorney general shall approve the form of the instrument of conveyance.";** and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, Page 32, Section 278.300, Line 18 of said page, by inserting after all of said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390, certain motor vehicles shall be tested to determine that the emissions system is

functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality.

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law;

**(8) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved.**

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this

section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized

charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080,

RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill, Page 60, Section 640.620, Line 16 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the

emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection

requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335[;]. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the six months immediately preceding the date of sale, and, for the purpose of registration of such vehicle, the date of inspection shall be defined to be the date of sale.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission

and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade] or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days [if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo."; and

Further amend said bill by amending 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. 160 & 82, Page 107, Section 72.403, Line 21, by inserting immediately after the word "act" the following: ", **except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding the requirements of section 1 of this act**".

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 160 & 82, Page 29, Section 249.645, Line 14, by inserting after all of said line the following:

"278.220. 1. If the proposed subdistrict lies in more than one soil and water conservation district, the petition may be presented to the board of soil and water district supervisors of any one of the districts, and the soil and water supervisors of all the districts shall act jointly as a board of soil and water district supervisors with respect **only** to [all matters concerning the subdistrict, including its formation] **matters including the formation, consolidation, expansion or disestablishment of the subdistrict**. They shall organize as a single board for such purposes and shall designate the chairman, vice chairman, and secretary-treasurer to serve for terms of one year. [After organizing, they may continue to meet as a single board for purposes of governing the subdistrict or they may meet as individual county boards and act, individually, on the minutes of meetings of the trustees of the subdistrict, as specified in section 278.240.] A subdistrict which lies in more than one soil and water conservation district shall be formed in the same manner and shall have the same powers and duties as a subdistrict formed in one soil and water conservation district.

2. Following the entry in the official minutes of the board or boards of soil and water district

supervisors of the creation of the subdistrict, the soil and water supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

278.240. 1. The board of soil and water conservation district supervisors of **the** soil and water conservation district in which the subdistrict is formed shall [be the governing body of] **act in an advisory capacity to the subdistrict board**. When a subdistrict lies in more than one soil and water conservation district, the combined boards of soil and water conservation district supervisors shall [be the governing body] **act in an advisory capacity to the subdistrict**.

2. Five persons living within the subdistrict shall be elected to serve as trustees of the subdistrict. The trustees shall be elected by a majority vote of all landowners participating in the referendum for the establishment of the subdistrict, but the date of the election shall not fall upon the date of any regular political election held in the county. The ballot submitting the proposition to form the subdistrict shall be so worded as to clearly state that a tax, not to exceed forty cents on one hundred dollars valuation of all real estate within the subdistrict, will be authorized if the subdistrict is formed. In subdistricts formed after September 28, 1977, two trustees shall be elected for a term of six years, two shall be elected for a term of four years, and one shall be elected for a term of two years. Their successors shall be elected for terms of six years. In any district in existence on September 28, 1977, the three trustees holding office shall continue as trustees. At the next scheduled election within the subdistrict, two additional trustees shall be elected. One of the additional trustees shall be elected for a term of four years and one shall be elected for a term of six years. Each successor shall be elected for a term of six years. The trustees shall elect one of their members as chairman and one of their members as secretary to serve for terms of two years. [If the governing board so designates the trustees may] **The trustees shall** act in all matters pertaining to the subdistrict, except those concerning formation, consolidation, expansion or disestablishment of the subdistrict. [All official

actions taken by the trustees, however, shall be subject to the ratification of a majority of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed. No actions taken by the trustees shall become effective until ratification of a majority of the governing boards has taken place. At the next regular meeting following any meeting of the trustees, each governing board may place on their agenda for approval or disapproval the actions taken by the trustees. Failure to take action by any board shall be construed as disapproval of all actions taken by the trustees. It shall be the responsibility of the secretary of the trustees to see that each governing board has a copy of the minutes of each meeting held by the trustees at least two days prior to the next regular meetings of these boards. If the governing board shall decide to continue meeting as a single board for purposes of governing the subdistrict, the trustees shall serve as an advisory body only. The trustees shall be reimbursed for mileage expense incurred in the attendance of meetings of the governing body of the subdistrict and shall also be reimbursed for mileage expense incurred in the attendance of meetings of their own members. One trustee per meeting may be reimbursed for mileage expense incurred in the attendance of meetings of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed.] **It shall be the responsibility of the secretary of the trustees to see that each soil and water district board included in the subdistrict is provided a copy of the minutes of each meeting held by the trustees. The trustees shall be reimbursed for expenses incurred relating to the business of the subdistrict.**

278.245. [The governing body of the subdistrict or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall have, in addition to other authority granted in other sections of this law, the following authority in governing subdistricts] **The trustees of the subdistrict shall have the following authority:**

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings [in the manner provided

in] **pursuant to** chapter 523, RSMo, such lands, easements, or rights-of-way as are needed to carry out any authorized purpose of the subdistrict; provided that notwithstanding any provision of law to the contrary, the power of eminent domain shall not be exercised over the protest of any landowner until it is established that acquisition of the land proposed to be condemned is necessary for the purposes of the subdistrict; and to sell, lease or otherwise dispose of any of its property or interest therein [in furtherance of the purposes and provisions of] **pursuant to** sections 278.160 to 278.300;

(2) To construct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary for the performance of any of the operations authorized by sections 278.160 to 278.300;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses or for carrying out any authorized purpose of such subdistrict, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such subdistrict as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds [as provided in] **pursuant to** section 278.280;

(4) To levy an annual tax and organization tax on the real property within the subdistrict subject to the limitations provided in section 278.250 for payment of the costs for carrying out any authorized purpose of such subdistrict;

(5) To make assessments on the real property within the subdistrict for special benefits to such real property accruing as a result of the construction of any works of improvement by the subdistrict.

278.250. 1. In order to facilitate the preliminary work of the subdistrict [the governing body of the subdistrict or], the trustees of the subdistrict[, when acting with the approval of the governing body as provided in section 278.240,] may levy an organization tax [of] not to exceed

forty cents per one hundred dollars of assessed valuation of all real estate within the subdistrict, the proceeds of which may be used for organization and administration expenses of the subdistrict, the acquisition of real and personal property, including easements for rights-of-way, necessary to carry out the purposes of the subdistrict. This levy may be made one time only. The organization tax may be imposed [as provided for in] **pursuant to** subsections 4 and 5 of this section.

2. After the [governing body or the] trustees of the subdistrict[, when acting with the approval of the governing body as provided in section 278.240,] have obtained agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than sixty-five percent of the lands situated in the subdistrict, an annual tax may be imposed for construction, repair, alteration, maintenance and operation of the present and future works of improvement within the boundaries of the subdistrict in order to participate in funds from federal sources appropriated for watershed protection and flood prevention. The annual tax may be imposed as provided for in subsections 4 and 5 of this section.

3. Within the first quarter of each calendar year, the trustees for the subdistrict shall prepare an itemized budget of the funds needed for administration of the subdistrict and for construction, operation and maintenance of works of improvement for the ensuing fiscal year. The budget shall be subject to the approval of the [governing body of the] subdistrict [as provided in] **trustees pursuant to** section 278.240.

4. The [governing body or the] trustees of the subdistrict, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, shall make the necessary levy on the assessed valuation of all real estate within the boundaries of the subdistrict to raise the needed amounts, but in no event shall the levy exceed forty cents on each one hundred dollars of assessed valuation per annum and, on or before the first day of September of each year, shall certify the rate of levy to the county commission of the county or counties within which the subdistrict is located

with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict, in addition to such other taxes as are levied by the county commission.

5. The body having authority to levy taxes within the county shall levy the taxes provided in this law, and all officials charged with the duty of collecting taxes shall collect the taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected; computation shall be made on the regular tax bills, and when collected shall pay the same to the subdistrict ordering its levy and collection or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the subdistrict. The proceeds shall be kept in a separate account by the treasurer of the subdistrict and identified by the official name of the subdistrict in which the levy was made. Expenditures from the fund shall be made on requisition of the chairman and secretary of the [governing body of the subdistrict or, alternately, on requisition of the chairman of the governing body of the subdistrict and the chairman of the trustees of the] subdistrict **board of trustees.**

6. All taxes levied under this law, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the perpetual lien of subdistrict taxes.

7. If the taxes levied are not paid as provided in this section, then the delinquent real property shall be sold at the regular tax sale for the payment of the taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at the tax sale for the property so offered, the property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in



the same manner as provided by law for accounting for school, town, and city taxes.

8. For purposes of section 22 of article X of the Constitution of Missouri, the tax authorized in the ballot submitting the proposition to form the subdistrict under section 278.240, if approved by a majority of the voters on or prior to November 4, 1980, shall be deemed the current levy authorized by law on November 4, 1980, if on that date a levy was not actually imposed or was imposed in a lesser amount. This tax shall also be considered as the 1984 tax for purposes of section 137.073, RSMo, in the event no levy was imposed by the subdistrict for that year.

278.280. 1. When a plan of work is approved [the governing body or], the trustees of the subdistrict, [when acting with the approval of the governing body] as provided in section 278.240, shall then by resolution propose that the cost of all works of improvement contemplated in the plan be paid either by a general levy against all real estate in the subdistrict, subject to the limitations of section 278.250, or that such cost be paid by special assessment against lands within the subdistrict to be benefitted by the installation of the proposed works of improvement, or that such cost be paid by both such general levy and special assessment stating the portion to be paid by each method.

2. If the resolution of financing provides that all or any part of the cost of the works of improvement is to be paid by special assessment of benefits [the governing body or] the trustees of the subdistrict **shall**, [when acting with the approval of the governing body] as provided in section 278.240, [shall] appoint three appraisers, who shall be residents of the state of Missouri, and who shall not be landowners in such subdistrict, who shall recommend apportionment of the special assessment to the tracts of land which will receive benefits from the installation of the works of improvement proposed in the plan of work. The appraisers shall have access to all available engineering reports and data pertaining to the works contemplated and may request additional legal counsel or engineering data from a registered professional engineer as found necessary to carry

out their duties.

3. The appraisers shall proceed to view the premises and determine the value of all land or other property within or without the subdistrict, to be acquired and used for rights-of-way or other works set out in the plan of work; they shall assess the amount of benefits, and the amount of damage if any, that will accrue to each governmental lot, forty-acre tract or other subdivision of land according to ownership, railroad and other rights-of-way, railroad roadways, and other property from carrying out and putting into effect the plan of work heretofore adopted, and shall make written reports of their findings to the [governing board] **trustees** of the subdistrict. Each appraiser so appointed shall be paid [fifteen dollars per day] for his **or her** services and necessary expenses [in addition thereto].

4. Upon receiving the report from the appraisers, [the governing body or] the trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] prepare a resolution which shall contain a list of the tracts of land found to be benefitted and the amount of assessment to be levied against each such tract, except that no such assessment against any tract of land shall exceed the estimated benefits to such land by such project. Such tracts of land shall be legally described and the names of the owners thereof shall be set forth beside the description of each tract so listed. After adopting such resolution [the governing body or], the trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] fix a time and place for hearing any complaint that may be made as to the benefit to any tract of land appraised, notice of which hearing shall be given by the secretary by publication [as in] **pursuant to** section 278.190. The board **of trustees** at the hearing may alter the benefits to any tract if, in its judgment, the same has been appraised too high or too low. The hearing shall be conducted in the manner set forth in section 278.200. The [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] immediately

after the hearing pass a resolution fixing the benefit assessment as to each tract of land.

5. After the resolution fixing the benefit assessment has been adopted the [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] submit the proposal for collection of such assessed benefits to the owners of the lands so assessed for approval and if bonds are to be issued the amount of the issue so proposed, the rate of interest, and the amount of any necessary tax levy in excess of the amount authorized in section 278.250. If two-thirds of the owners of such lands voting favor the proposal as submitted, it shall be adopted. The provisions of sections 278.190 to 278.210 as to notice and procedure shall apply to the referendum held [under] **pursuant to** this section.

6. The [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] make the necessary general levy against all real estate in the subdistrict and the special assessment against lands within the subdistrict to be benefited by the improvement and shall certify the rate of levy and the amount of the special assessment to the county commission of the county or counties in which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict and shall levy the amount of the special assessment, in addition to such other taxes as are levied by the county commission.

7. The bond issue, authorized by this section in whole or part, may be offered for sale to the [Farmers Home Administration] **United States Department of Agriculture's Rural Development** or other federal agency without public offering or the securing of competitive bids on such bond offering.

278.290. 1. After a subdistrict has been organized for more than five years and [said] **such** subdistrict does not have any outstanding bonds, has not constructed or contracted to construct any

works of improvement, nor incurred any continuing obligations for maintenance and operation of any works of improvement or if any works of improvement have been constructed, if there are no bonds outstanding, and an agency of the United States government or the state of Missouri or a county or municipal corporation of this state has made arrangements satisfactory to the Secretary of Agriculture and the state soil and water districts commission to assume responsibility for operating and maintaining such improvement, not less than fifty percent of the landowners of the subdistrict may petition the [governing body] **soil and water district board** of the subdistrict to call for and conduct a referendum upon the disestablishment of the subdistrict. If sixty-five percent of the landowners voting in referendum do vote in favor of the disestablishment of the subdistrict, the [governing body] **soil and water district board** shall declare the subdistrict to be disestablished; however, prior to any such declaration the [governing body] **soil and water district board** shall pay or make arrangements to pay any outstanding indebtedness. The provisions of sections 278.190, 278.200 and 278.210 as to notice, qualification of voters and manner of holding the referendum in organizing a subdistrict to the extent practicable shall apply to the referendum held [under] **pursuant to** this section.

2. Following the entry in the official minutes of the board or boards of soil and water conservation district supervisors of the disestablishment of the subdistrict, the soil and water conservation district supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

3. Whenever a subdistrict is declared to be disestablished, the respective boards of supervisors of the soil and water conservation districts in which the subdistrict was formed shall take charge of all property and funds of the subdistrict. After all property has been sold and the obligations of the subdistrict are met, any remaining funds shall be turned over to the county commissions of the respective counties.

278.300. If a soil and water conservation district is disestablished [as provided by] **pursuant to section 278.150, the state soil and water districts commission shall [become the governing body] have the same responsibilities as the soil and water conservation district with respect to formation, consolidation and disestablishment of any subdistrict or portion thereof, organized within the boundaries of such soil and water conservation districts [and shall be entitled to all benefits and powers heretofore granted to such governing body by sections 278.160 to 278.300, including the levy and collection of taxes]. In all other matters, the commission shall act in an advisory capacity.**"; 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 Bills Nos. 160 & 82, Page 16, Section 71.015, Line 21, by inserting immediately after said line the following:

**"72.424. Notwithstanding any other provisions of sections 72.400 to 72.422, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being of the third classification with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of the effective date of this section. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the**

**reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, 2000.**"; 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 Bill Nos. 160 & 82, Page 94, Section 22, Line 19, by inserting the following:

**Section 22. Notwithstanding any other provision of law to the contrary, from April 1, 2000, to April 1, 2001, any person required to obtain a motor vehicle emissions inspection shall have the option to obtain an emissions inspection pursuant to section 307.366, RSMo, which shall be valid for one year, or to obtain an emissions inspection pursuant to section 643.315, RSMo, which shall be valid for two years. The director of the department of revenue shall have the authority to promulgate any rules or regulations necessitated by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.; and**

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

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 adopted the Conference Committee Report on **HS** for **SB 326** and has taken up and passed **CCS** for **HS** for **SB 326**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 20**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SPA 1** to **HA 1** for **SCR 13** and has taken up and adopted **SCR 13** as amended.

**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 **SB 20**, as amended: Senators Goode, Bentley, Flotron, Maxwell and Schneider.

**HOUSE BILLS ON THIRD READING**

Senator Mathewson moved that **HS** for **HCS** for **HB 793**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SSA 1** for **SA 3** was again taken up.

At the request of Senator Flotron, the above substitute amendment was withdrawn.

Senator Stoll offered **SSA 2** for **SA 3**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 3**

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

Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 4 of said page, by striking the word "twenty" and inserting in lieu thereof the word "**five**"; and

Further amend said bill, Page 28, Section 572.010, Line 1 of said page, by striking the word "twenty" and inserting in lieu thereof the word "**five**".

Senator Stoll moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 2** for **SA 3**, which was read:

**SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 3**

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 1, Lines 2 and 5, by striking the word "five" appearing therein and substitute "two".

Senator Schneider moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** to **SSA 2** for **SA 3** and was joined in his request by Senators Flotron, Childers, Schneider and Russell.

**SA 1** to **SSA 2** for **SA 3** was adopted by the following vote:

YEAS—Senators			
Bentley	Caskey	Childers	Ehlmann
Goode	Graves	House	Kenney
Kinder	Klarich	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Yeckel—17			

NAYS—Senators			
Bland	Clay	DePasco	Flotron
Howard	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Singleton
Staples	Stoll	Westfall	Wiggins—16

Absent—Senator Banks—1

Absent with leave—Senators—None

SSA 2 for SA 3, as amended, was again taken up.

At the request of Senator Stoll, the above substitute amendment was withdrawn.

Senator Flotron offered SSA 3 for SA 3:

SENATE SUBSTITUTE AMENDMENT NO. 3  
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 2, by deleting the complete sentences on line 2 through 5 and lines 24 through 2 of page 28 and inserting in lieu thereof the following:

**"No amusement device, as described in section 572.010, RSMo, that is operating in this state shall allow the wholesale value of any prize for a single play to exceed the amount of the value of a single play of the amusement device or five dollars whichever is greater, nor shall the value of any prize for multiple plays exceed the cumulative value of play of the amusement device or two hundred fifty dollars, whichever is lesser; and such prizes shall not thereafter be sold or transferred for cash or any other consideration."**

Senator Flotron moved that the above substitute amendment be adopted.

Senator Schneider offered SA 1 to SSA 3 for SA 3, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 3  
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 3 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, by inserting at the end of the last line: "except that the value may also not exceed four times the value of the play for players under the age of 16 years".

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

SSA 3 for SA 3, as amended, was again taken

up.

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

Senator Flotron 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. 793, Page 39, Section 7, Line 15 of said page, by inserting the following immediately after said line the following:

**"Section 8. Each owner or operator of a game or amusement redemption device as described in this act may place on such game or amusement redemption device prior to commencement of its commercial operation a seal or sticker, displaying the name, address, and phone number of the owner or operator, the date on which the seal or sticker was placed on the game or amusement redemption device, and the date on which the game or amusement redemption device was last serviced or repaired. The owner or operator may file, with the Missouri gaming commission, a bond in the amount of ten thousand dollars. In the event that any agent or employee of the Missouri gaming commission, or any law enforcement person, determines that such a seal or sticker has been placed on a machine which does not meet the definition of game or amusement redemption device as described in this act, the Missouri gaming commission shall apply to the appropriate circuit court for forfeiture of the bond and for suspension or revocation of the business license under which the owner or operator is conducting business. Any machine displaying a seal shall not be subject to seizure, unless it is determined that the machine is a type of device not permitted by this Act.";** and

Further amend the title and enacting clause accordingly.

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

Senator Maxwell assumed the Chair.

Senator Schneider 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. 793, page 21, Section 313.830, Line 5, by inserting the following added subsection:

"3. Subsection 2(2), providing for a criminal liability for a person under twenty-one years of age, shall not effect or limit the liability of an operator of a gambling excursion to reimburse for any net gambling losses sustained by a minor because the operator permitted the under age wagering."; and renumber the subsections accordingly.

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

Senator Rohrbach 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. 793, Page 35, Section 3, Line 18 of said page, by adding at the end of said line the following: "An amount equal to at least fifty percent of the gross receipts from any raffle shall be awarded as prizes unless all the prizes are donated and unless the tickets note that there is no limit on the number of tickets that may be sold."

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

Senator Ehlmann 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. 793, Section 313.812, Page 17, Line 4, by inserting after all of said line the following:

"313.815. A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as

the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. **The bond or other form of surety shall also be used to guarantee the completion of any expansion or modification of a gambling boat in a time period approved by the commission, which shall not exceed two years from the date of approval of the expansion or modification. Failure to complete an approved expansion or modification of a gambling boat within the two-year period shall be considered sufficient grounds for not renewing the license for that gambling boat.** The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1 to SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 2, Section 313.815, Line 11 of said page, by adding the following:

"After the two-year period has expired, the county assessor may assess the property at the value it would have if it were completed."

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

**SA 7**, as amended, was again taken up.

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 Bentley, Childers, Kenney and Singleton.

**SA 7**, as amended, failed of adoption by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	Graves	House
Kenney	Kinder	Mueller	Russell
Schneider	Sims	Singleton—15	

NAYS—Senators

Banks	Bland	Clay	DePasco
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Rohrbach	Scott
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—18		

Absent—Senator Klarich—1

Absent with leave—Senators—None

Senator Ehlmann 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. 793, Section 313.812, Page 17, Line 4, by inserting after all of said line the following:

"313.815. A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes

reports and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. **The bond or other form of surety shall also be used to guarantee the completion of any expansion or modification of a gambling boat in a time period approved by the commission, which shall not exceed three years from the date of approval of the expansion or modification. Failure to complete an approved expansion or modification of a gambling boat within the three-year period shall be considered sufficient grounds for not renewing the license for that gambling boat.** The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission."; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Mathewson, **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Clay	DePasco
Ehlmann	Flotron	Graves	House
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators

Banks	Caskey	Childers	Goode
Howard	Kenney	Kinder	Russell
Schneider	Singleton—10		

Absent—Senator Klarich—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 Maxwell moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, 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.

Senator Sims moved that the conference committee report on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kinder	Maxwell	Mueller
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel—25			

NAYS—Senators

Caskey	Graves	Kenney	Rohrbach
Russell	Westfall—6		

Absent—Senators

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

Senator Wiggins assumed the Chair.

On motion of Senator Sims, **CCS** for **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 490 AND  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 308

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions, a termination date for certain sections and an emergency clause for certain sections.

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

YEAS—Senators

Bentley	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kinder
Mathewson	Maxwell	Quick	Schneider
Sims	Staples	Steelman	Stoll
Wiggins—21			

NAYS—Senators

Caskey	Clay	Graves	Kenney
Rohrbach	Russell	Scott	Singleton
Westfall	Yeckel—10		

Absent—Senators

Banks	Klarich	Mueller—3
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause failed to receive a two-thirds majority by the following vote:

YEAS—Senators

Bentley	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Scott
Sims	Staples	Steelman	Stoll
Wiggins—21			



## NAYS—Senators

Caskey	Clay	Graves	Kenney
Kinder	Rohrbach	Russell	Schneider
Singleton	Westfall	Yeckel—11	

## Absent—Senators

Banks	Klarich—2
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## Absent with leave—Senators—None

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

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

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

Senator Goode moved that the conference committee report no. 2 on **HS** for **HCS** for **SB 20**, as amended, be adopted, which motion prevailed by the following vote:

## YEAS—Senators

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

## NAYS—Senators—None

## Absent—Senators

Banks	Johnson	Klarich	Mathewson
Scott—5			

## Absent with leave—Senators—None

On motion of Senator Goode, **CCS No. 2** for **HS** for **HCS** for **SB 20**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
NO. 2 FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 20

An Act to repeal sections 88.812 and 89.410, RSMo 1994, and sections 32.110, 32.111, 32.112, 32.115, 67.1421, 67.1461, 67.1501, 67.1531, 135.530 and 135.535, RSMo Supp. 1998, relating to community improvement, and to enact in lieu thereof forty new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

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	Kenney	Kinder	Maxwell
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

## NAYS—Senators—None

## Absent—Senators

Banks	Johnson	Klarich	Mathewson
Mueller	Quick	Schneider	Scott—8

## Absent with leave—Senators—None

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

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

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

### HOUSE BILLS ON THIRD READING

At the request of Senator Clay, **HS** for **HCS** for **HBs 246** and **405**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 603, 722** and **783**, with **SCS**, entitled:

An Act to repeal sections 34.040, 260.205 and 260.273, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HBs 603, 722** and **783**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 603, 722 and 783

An Act to repeal section 260.209, RSMo 1994, and sections 34.040, 260.205, 260.273, 260.330 and 319.131, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof eight new sections relating to the

same subject.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HBs 603, 722 and 783** be adopted.

Senator Goode offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, pages 19-20, Section 2, Lines 1-8, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 15, Section 260.330, Line 48, by striking all of said line and inserting in lieu thereof the following: "**area may designate, pursuant to this section, up to two free disposal days during each**"; and further amend line 49, by striking "each" and inserting in lieu thereof the following: "**any such**"; and further amend line 52, by striking "the" and inserting in lieu thereof the following: "**any**"; and further amend line 53, by striking "days" and inserting in lieu thereof the following: "**day**"; and further amend line 55, by striking the following: "Only one free disposal day shall be"; and further amend line 56, by striking all of said line.

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

Senator Russell offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 20, Section 2, Line 8, by inserting immediately thereafter, the following:

"Section 3. 1. The director of the department of natural resources is hereby authorized and

empowered to grant, bargain, sell and convey by quit claim deed to the highest competitive bidder or bidders a certain portion or portions of Lake of the Ozarks State Park, Camden County, Missouri. Missouri department of transportation roadway development of new United States Highway 54 (MoDOT Job. No. J5P0309B) will negatively impact and sever approximately thirty-four acres of wooded, undeveloped parkland. The department of natural resources desires to market and sell the severed property and mitigate, in accordance with National Park Service parameters, the loss of such parkland through the purchase of in holding or adjoining properties. The property to be sold and conveyed by the director of the department of natural resources is more particularly described as follows:

PART OF GOVERNMENT LOT 1 AND GOVERNMENT LOT 2 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 15 WEST, CAMDEN COUNTY, MISSOURI COMPRISING THAT PORTION OF STATE PARKLAND SITUATE BETWEEN EXISTING U.S. HIGHWAY 54 AND PROPOSED NEW U.S. HIGHWAY 54.

2. The attorney general shall approve the form of the instrument or instruments of conveyance."; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 20, Section 2, Line 8, by inserting after all of said line the following:

**"Section 3. Notwithstanding the provisions of section 319.100, RSMo, and subdivision (1) of subsection 3 of section 319.131, RSMo, the fund shall provide moneys for cleanup of contamination caused by the releases from piping or related equipment of a petroleum**

**storage tank with a capacity of five thousand gallons or less when such retailer is the sole provider of retail fuels within a five mile area. The costs of the cleanup must be incurred after April 1, 1999, and prior to April 1, 2000. The retailer must make application for participation in the fund by August 28, 1999."**; and

Further amend the title and enacting clause accordingly.

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

Senator Maxwell offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 15, Section 260.330, Line 56, by inserting immediately after said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census[, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested **annually** to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national

health standards for air quality. **The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.**

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law[.]; **and**

**(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who has chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, and who has completed an emission inspection pursuant to section 643.315, RSMo; and**

**(9) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved; provided that, for any motor vehicle exempted pursuant to this subdivision, the purchaser may return the motor vehicle if the motor vehicle**

**fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the motor vehicle inspected and approved without the option for a waiver of the emissions standards and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, and provided that, the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or to enter into any mutually acceptable agreement with the seller.**

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official [safety and] emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official [safety and] emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control

system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official [safety and] emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each [safety and] emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or

other devices to evidence approval of the motor vehicle's emissions control system. In addition, [safety and] emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official [safety and] emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official [safety and] emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those

official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, **except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.**

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually [during the month of August or], **but the inspection of the vehicle shall not be made more than sixty days** prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe to determine that it

does not protrude from the bus;

(7) The emergency [door] **doors and exits** to determine [that it is] **them to be** unlocked and easily opened as required;

(8) The lettering and signing on the front, side, and rear of the bus;

(9) The service door;

(10) The step treads;

(11) The aisle mats or aisle runners;

(12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;

(13) The seats, including a determination that they are securely fastened to the floor;

(14) The emergency door buzzer;

(15) All hand hold grips;

(16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 and the following:

(1) The driver seat belts;

(2) The heating and defrosting systems;

(3) The reflectors;

(4) The bus steps;

(5) The aisles.

3. If, upon inspection, conditions which violate the standards in subsection 2 are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent

are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 shall be applicable.

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

**2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.";** and

Further amend said bill, page 19, section 319.131, line 149, by inserting immediately after said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, **except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such**

**county who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo,** if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305. The commission shall ensure that, for each nonattainment area, the state implementation plan established [under] **pursuant to** subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established [under] **pursuant to** subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of

Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated [under] **pursuant to** this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission [under] **pursuant to** this section in lieu of the provisions of section 307.366, RSMo.

**2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.**

[2.] **3. (1)** The department [shall contract with one or more persons to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355.

**3.** The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.], **with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-**

effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by

regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section.

6. With approval of the commission and [under] **pursuant to** rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and [under] **pursuant to** rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned



or leased and operated by the person establishing the facility. The inspections performed in facilities established [under] **pursuant to** this subsection shall be performed by a contractor selected by the commission [under] **pursuant to** this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer system emission inspection equipment used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all

applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, **which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo**, shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established

[under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and

receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section [301.250] **301.550**, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard

and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade or the purchaser and dealer may enter into any other mutually acceptable agreement]. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, [or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1,

2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established [under] **pursuant to** subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the [repair] **parts, repairs** and adjustment work performed is equal to or greater than the waiver amount established by the commission. **Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.**

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from

the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) [Five dollars for any person who is required to wait more than fifteen minutes before the inspection begins;

(2)] Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and

[(3)] (2) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

3. The fee shall be conspicuously posted on the premises of each emissions inspection station.

4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.

5. The contractor shall remit the portion of fees collected, as established by the commission [under] **pursuant to** this section, to the director of revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 **by the department of natural**

**resources, the Missouri highway patrol, and other appropriate agencies.** Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.

6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.

643.355. 1. Any person who knowingly misrepresents himself **or herself** as an official emissions inspection station [shall be] **or an inspector or a recognized repair technician is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of an infraction.

4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

5. Any person who knowingly operates a motor vehicle required to be inspected and approved [under] **pursuant to** sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required [under] **pursuant to** section 643.315 [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 [shall be] **is** guilty of an infraction.

7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 [shall be] **is** subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence."; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Pages 2-3, Section 34.040, Lines 46-48, by striking all of said lines and inserting in lieu thereof the following: "**section and may promulgate rules necessary to establish such procedures. 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 19, Section 1, Lines 4-6, by striking all of said lines and inserting in lieu thereof the following: "**implement 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. 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 Ehlmann offered **SA 7**:

**SENATE AMENDMENT NO. 7**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 19, Section 319.131, Line 149, by inserting after all of said line the following:

**"11. Any retail gas station or convenience store meeting the threshold requirements of 40 CFR Section 370.10 shall be exempt from the requirements of section 292.602, RSMo, if such retail gas station or convenience store is in compliance with state and federal underground storage tank regulations."**

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 7**:

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

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 19, Section 319.131, Line 149, by inserting after all of said line the following:

**"11. Effective August 28, 2000 any retail gas station or convenience store meeting the threshold requirements of 40 CFR Section 370.10 shall be exempt from the requirements of section 292.602, RSMo, if such retail gas station or convenience store is in compliance with state and federal underground storage tank regulations."**

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

SA 7 was again taken up.

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

Senator Goode moved that SCS for HCS for HBs 603, 722 and 783, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, SCS for HCS for HBs 603, 722 and 783, as amended, 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	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Banks Bentley—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Maxwell moved that **HB 191**, with SCS, SS for SCS and SA 6 (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 6 was again taken up.

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

SS for SCS for **HB 191**, as amended, was again taken up.

At the request of Senator Maxwell, SS for SCS for **HB 191**, as amended, was withdrawn.

Senator Maxwell offered SS No. 2 for SCS for **HB 191**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 191

An Act to repeal section 630.003, RSMo 1994, and sections 191.656, 376.779 and 376.811, RSMo Supp. 1998, relating to health services, and to enact in lieu thereof fourteen new sections relating to the same subject, with an expiration date for certain sections.

Senator Maxwell moved that SS No. 2 for SCS for **HB 191** be adopted.

Senator Rohrbach offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 191, page 32, Section 2, Line 1 of said page, by inserting after all of said line the following:

**"Section 3. 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.

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Howard, Kinder and Singleton.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Ehlmann	Flotron	Kenney	Klarich
Mueller	Rohrbach	Sims	Singleton
Steelman	Westfall—10		

NAYS—Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Goode	Graves
House	Howard	Jacob	Johnson
Kinder	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Staples
Stoll	Wiggins	Yeckel—23	

Absent—Senator Bentley—1

Absent with leave—Senators—None

Senator Singleton offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, Page 29, Section 630.003, Line 2, by inserting after all of 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.

Senator Yeckel offered SSA 1 for SA 2:

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

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, page 24, Section 376.835, Line 15, by inserting after all of said line the following:

"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use standardized information 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, short-term major medical policies of six months or less duration, other limited benefit health insurance policies.

2. The standardized information 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;
  - (7) The patient's full name;
  - (8) The name and address of the insurer;
- and
- (9) The phone number to contact for questions on explanation of benefits.

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

376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use standardized information for referrals. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to such terms in section 376.1350.

2. The referral information shall contain the following:

- (1) The name of the insured;
- (2) The name, address and phone number of the health carrier;
- (3) The identification number and group number of the insured;
- (4) The type of referral;
- (5) The name, address and phone number of the health care provider referring the insured;
- (6) The name, address and phone number of the health care provider to whom the insured was referred to;



**(7) The number of visits requested and authorized; and**

**(8) The health carrier's authorization number.**

**3. All health care providers and health carriers shall use the standardized referral information after January 1, 2002.";** and

Further amend title and enacting clause accordingly.

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

Senator Maxwell offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, Pages 24-29, Section 630.003, by striking the entire section from the bill; and further amend the titling and enacting clauses accordingly.

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

Senator Maxwell moved that **SS No. 2** for **SCS** for **HB 191**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS No. 2** for **SCS** for **HB 191**, 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	Kennedy
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senators—None

The President declared the bill passed.

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.

**HCS** for **HBs 316, 660** and **203**, with **SCS**, entitled:

An Act to repeal sections 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof fifteen new sections relating to the same subject.

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

**SCS** for **HCS** for **HBs 316, 660** and **203**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 316, 660 and 203**

An Act to repeal sections 198.070, 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, and section 198.067, RSMo Supp. 1998, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HCS** for **HBs 316, 660** and **203** be adopted.

Senator Howard offered **SS** for **SCS** for **HCS** for **HBs 316, 660** and **203**, entitled:

**SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 316, 660 and 203**

An Act to repeal sections 198.070, 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110,

421.120 and 660.053, RSMo 1994, and section 198.067, RSMo Supp. 1998, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof ten new sections relating to the same subject.

Senator Howard moved that **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203** be adopted.

Senator Staples assumed the Chair.

Senator Klarich offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 316, 660 and 203, Page 25, Line 11, by inserting after all of said line the following:

**"Section 5. For any residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility, if the department of social services maintains records of site inspections and violations of statutes, rules, or the terms or conditions of any license issued to such facility, the department shall also maintain records of compliance with such statutes, rules, or terms or conditions of any license, and shall specifically record in such records any actions taken by the facility that are above and beyond what is minimally required for compliance.";** and

Further amend the title and enacting clause accordingly.

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

Senator Johnson assumed the Chair.

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

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 316, 660 and 203, Pages 21-23, Sections 3-4, by deleting said sections; and amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills 316, 660 and 203, page 25, Section 5, Line 11, by inserting after all of said line the following:

**"Section 6. For purposes of sections 3 to 13 of this act, the following terms mean:**

(1) **"Bedding"**, any mattress, box springs, foundation or studio couch made, in whole or part of, new or secondhand fabric, filling materials, or other materials, which can be used for sleeping or reclining purposes. The term bedding does not include any component from which bedding is made;

(2) **"Department"**, the department of health;

(3) **"Director"**, director of the department of health;

(4) **"Manufacture"**, the making of bedding out of new material;

(5) **"New material"**, any fabric, filling material, other material or article of bedding that has not been previously used for any purpose, including by-products of any textile or manufacturing process that are free from dirt, insects and other contamination;

(6) **"Person"**, an individual, sole proprietorship, partnership, limited liability company, corporation, joint venture, association, trust and any other entity and the agents, servants and employees of any of them;

(7) **"Renovator"**, a person that repairs, makes over, recovers, restores, sanitizes, germicidally treats, cleans or renews bedding;

(8) **"Sanitizer"**, a person that sanitizes, germicidally treats or cleans, but does not otherwise alter, any fabric, filling material, other materials, or article of bedding for use in manufacturing or renovating bedding;

(9) **"Secondhand material"**, any fabric, filling material, other material, or article of bedding that has been previously used for any purpose or is derived from post-consumer or

industrial waste and that may be used in place of new material in manufacturing or renovating bedding;

(10) "Seller", includes a person that offers or exposes for sale, barter, trades, delivers, consigns, leases, possesses with intent to sell, or disposes of bedding in any commercial manner at the wholesale, retail or other level of trade.

Section 4. 1. All bedding manufactured, renovated, sanitized or sold within the state shall bear a clear and conspicuous label that explicitly states whether the bedding is made from all new materials, or is made in whole or in part from secondhand materials. The label on bedding made from all new materials shall be white in color and shall state "ALL NEW MATERIAL" and the label on bedding made in whole, or in part, from secondhand materials shall be yellow in color and shall state "SECONDHAND MATERIALS". Such labels shall also comply with rules issued by the department regarding label dimension, format, informational content, wording, letter size, material, means of placement and affixing to the bedding, and other relevant factors.

2. A person may not remove, deface or alter in whole, or part, a label or any statement on a label to defeat the provisions of sections 3 to 13 of this act.

3. Labels required by sections 3 to 13 of this act shall be permanently affixed.

4. No person may make a false or misleading statement on any label required pursuant to sections 3 to 13 of this act.

Section 5. 1. The director of the department of health shall approve the form and size of labels, the fabric of which the labels are made and the wording and statements on such labels, provided for in sections 3 to 13 of this act.

2. Labels required pursuant to sections 3 to 13 of this act shall be securely attached to the article of bedding or such filling material at the site of the manufacturer, in a conspicuous place where the label can be easily examined.

3. Labels required by sections 3 to 13 of this

act shall have printing only on one side. No advertising matter may be placed on any label or any other printed matter not required by the provisions of sections 3 to 13 of this act.

Section 6. The contents and uses and percentage of filling materials used in articles of bedding and in bulk form which is either concealed or not concealed shall be stated on the label. Percentages shall be computed on the basis of avoirdupois weight of the filling material present and shall be designated on the label in order of predominance with the component with the largest content listed first.

Section 7. The following statements and headings shall be shown on labels:

(1) "UNDER PENALTY OF LAW THIS TAG SHALL NOT BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label;

(2) Headings shall read "All New Material" when the material is wholly new; "Secondhand Material" when the material, in whole or in part, has been used for another purpose before being incorporated into the article or material;

(3) Description of filling material as provided in the applicable regulations;

(4) The registry number assigned or approved by the department of health;

(5) Certification is made by the manufacturer that the materials in this article are described in accordance with law;

(6) For renovated articles, the name and address of the owner;

(7) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.

Section 8. The department of health may establish grades, specifications and tolerances for the kinds and qualities of materials which are used or intended to be used in the manufacture, repair or renovation of used

bedding or used filling materials and may approve or adopt designations and rules which are not in conflict with any provisions of sections 3 to 13 of this act, for the labeling of articles filled, with such materials.

**Section 9.** The repairer or renovator of any bedding which is subsequently sold shall affix the previously used material label, which shall be attached to the article before delivery to the owner.

**Section 10. 1.** Each bedding manufacturer, renovator or sanitizer shall register with and obtain an initial permit and permit number from the department, which permit shall be renewed annually.

**2.** Upon timely request by an applicant for an initial permit, the department shall recognize a valid registry, license, permit or factory number issued by another state or jurisdiction, provided that, the applicant complies with all requirements established by the department for issuance of a permit number in this state.

**3.** The department shall set fees for each class of initial and annual renewal permits, including, but not limited to, manufacturers, renovators and sanitizers in amounts that are reasonable and necessary to defray, but shall not substantially exceed, the cost of administering sections 3 to 13 of this act.

**Section 11. 1.** The department may, at its discretion, randomly conduct bedding and materials product tests and inspections of the premises of any bedding manufacturer, renovator or sanitizer for the purpose of determining whether such person complies with the provisions of sections 3 to 13 of this act and the department's rules adopted pursuant to sections 3 to 13 of this act.

**2.** If the department finds probable cause to believe that an article of bedding violates any provisions of sections 3 to 13 of this act, it may, as appropriate under the circumstances, embargo, remove, recall, condemn, destroy or otherwise dispose of bedding found to violate any provisions of sections 3 to 13 of this act.

**3.** The department may deny, suspend or

revoke an initial or renewal permit of any person that violates any provision of sections 3 to 13 of this act. Each day of a continuing violation constitutes a separate violation. Any person who violates any provision of sections 3 to 13 of this act is guilty of a class A misdemeanor. The court may order restitution in addition to any other penalty provided in sections 3 to 13 of this act.

**4.** The department may petition for a temporary restraining order to restrain a continuing violation of sections 3 to 13 of this act or a threat of a continuing violation of sections 3 to 13 of this act, provided such violation or threatened violation creates an immediate threat to the public's health and safety.

**5.** A manufacturer, renovator or seller that knowingly attaches to bedding, or sells bedding bearing, a label stating that the product is made from all new materials, and has actual knowledge or reason to believe or suspect that such bedding is made in whole, or in part, from secondhand materials is guilty of a class A misdemeanor. Each bedding product that is found to be falsely labeled in this respect constitutes a separate violation.

**Section 12. 1.** The department may adopt all rules necessary to implement sections 3 to 13 of this act, including rules regarding:

(1) Mandatory label dimensions, format, informational content, including the name, address and permit number of the manufacturer, renovator or sanitizer, working, letter size, material, placement and affixing specifications and other relevant requirements;

(2) The procedures and requirements for the application, issuance, renewal, denial, suspension and revocation of each class of permit, including, but not limited to, manufacturers, renovators, sanitizers and sellers;

(3) Adequate notice and opportunity for hearing for persons potentially subject to denial, suspension or revocation; and

(4) Any other substantive, interpretative or procedural rules necessary to implement

sections 3 to 13 of this act.

**2. In setting standards and procedures pursuant to sections 3 to 13 of this act, including those to protect the public's health and safety, the department may issue rules incorporating by reference uniform standards, norms or testing procedures that are issued, promulgated or accepted by recognized government, public or industry organizations.**

**Section 13. 1. Bedding may not be manufactured in whole, or in part, from any secondhand material unless such material has been sanitized, germicidally treated or cleaned by a method approved by the department.**

**2. All bedding containing material that is sanitized, germicidally treated or cleaned in accordance with subsection 1 of this section shall bear a clear and conspicuous label that states:**

**"THIS BEDDING CONTAINS PREVIOUSLY USED MATERIALS WHICH HAVE BEEN CLEANED AND SANITIZED IN A REASONABLE MANNER TO KILL GERMS AND INSECTS AND TO PREVENT INFECTION."**

**In addition, such label shall state:**

**(1) The specific methods of sanitizing, germicidal treatment or cleaning applied;**

**(2) The date on which the article was sanitized, treated or cleaned;**

**(3) The name, address and permit number of the person applying the sanitizing, treatment or cleaning; and**

**(4) Specifically which materials or articles have been sanitized, treated or cleaned.";** and

Further amend the title and enacting clause accordingly.

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

President Wilson assumed the Chair.

Senator Flotron offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 316, 660 and 203, Page 1, Section A, Line 6 of Section, by inserting after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, or by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or

handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;] and

(c) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents;]

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

**2.** Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax

**liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.**

**3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.**

**4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold.**

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

**2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due.";** and

Further amend the title and enacting clause accordingly.

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

Senator Howard moved that **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203**, 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		

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Clay moved that HCS for HB 349, with SCS and SS No. 2 for SCS, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Clay, SS No. 2 for SCS for HCS for HB 349, as amended, was withdrawn.

SCS for HCS for HB 349 was again taken up.

Senator Flotron offered SA 1:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 5, Section 5, Line 25 of said section, by inserting after all of said line the following:

**"6. Family development accounts established pursuant to sections 620.1487 to 620.1502 may also receive as a deposit any tax credit received pursuant to subdivisions (a) and (b) of subsection 4 of section 135.326, RSMo. On or after January 1, 2000, a tax credit which is**

**established in this section of up to ten thousand dollars for nonrecurring expenses containing in section 135.327, RSMo, may either be deposited in the family development account, or assigned, transferred or sold. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold. The deposit, assignment, sale or transfer of the tax credit established by this section shall be for nonrecurring expenses contained in section 135.327, RSMo, in each year that the expenses are incurred, and shall vest with the recipient at fifty percent of the credit when the home placement occurs, and the remaining fifty percent shall be allowed when the adoption is final. Any business entity providing funds to an employee to enable that employee to receive the credit contained in this section shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring expenses contained in section 135.327, RSMo for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring expenses authorized by this subsection in any one fiscal year shall not exceed two million dollars, and shall not count toward the amount in subsection 6 of this section. Any account holder which deposits any funds received as a result of claiming a tax credit pursuant to this section shall not be eligible to be matched by a private donation, and any amounts so deposited shall not count against the limits of the account balance as established by this act.";** and

Further amend by renumbering the remaining subsections accordingly.

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

Senator Childers offered SA 2:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No.

349, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"7. 1. The department of economic development shall establish six housing development revolving loan pilot programs as provided in this section. Any taxpayer may receive a tax credit for funds provided to the department for the establishment of this program but not to exceed a total of four hundred twenty thousand dollars.

2. Three pilot programs shall be used to provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in third class counties and three pilot programs shall be used for the same purpose in urban areas.

3. The loans shall be no-interest loans made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.

4. Any nonprofit corporation desiring to construct single family housing pursuant to this section shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:

(1) The area in which the housing is intended to be constructed;

(2) A statement about the need for single family housing in such area;

(3) The time period required for constructing each home and making it available on the market;

(4) A list of the officers, with addresses and phone numbers, of the corporation;

(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loan contracts to qualified nonprofit organizations according to a statement of need and compliance

with this section.

6. The department shall set control criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in a revolving account to be used to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the revolving account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the revolving fund and used to fund the construction of another home or to repay a loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the revolving fund to be used for the public benefit in development or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture or in urban areas shall meet the codes in effect in that community, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.



**13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the revolving fund.**

**14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.**

**15. The nonprofit corporation shall establish priorities for selling the homes constructed to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.**

**16. The sale contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:**

**(1) The home has been the primary home of the purchaser for a period of five years after the closing date; and**

**(2) The property has not been used as rental**

**property for such five-year period."; and**

Further amend the title and enacting clause accordingly.

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

Senator Clay offered SA 3:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Section 1, Line 5, by inserting after all of said line the following:

**"(2) "Accredited institution of education", any institution of education, including a university, college, secondary school, vocational and technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any school wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;"**; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 1, Section 1, Line 7, by inserting after the numeral "352" the following: **"or 355"**; and

Further amend said bill, Page 3, Section 3, Lines 7-8, by striking all of said lines and inserting in lieu thereof the following:

**"(1) Educational costs at an accredited institution of education for any family members or dependents;"**; and

Further amend said bill, Page 5, Section 5, Line 27, by striking the word "four" and inserting in lieu thereof the word **"fifteen"**; and

Further amend said bill, Page 5, Section 5, Line 27, by inserting after all of said line the following:

**"7. Federal funds received by the state for individual development accounts or other federal funds may be deposited in a family development account subject to requirements of federal law and may be segregated in the**

**account, if required by federal law."**

Senator Clay moved that the above amendment be adopted.

Senator Westfall requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Jacob, Kenney, Childers and Russell.

Senator Jacob raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement.

At the request of Senator Clay, **HCS** for **HB 349**, with **SCS**, **SA 3** and the point of order (pending), was placed on the Informal Calendar.

**HB 542**, with **SCS**, introduced by Representative Barry, entitled:

An Act to repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof two new sections relating to the same subject.

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

**SCS** for **HB 542**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 542

An Act to repeal sections 135.333, 136.300, 143.111, 143.151, 143.781, 143.811, 144.100, 144.190 and 147.010, RSMo 1994, and sections 135.326, 135.327, 135.550 and 135.600, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof twenty-five new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **HB 542** be adopted.

Senator House offered **SS** for **SCS** for **HB 542**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 542

An Act to repeal section 135.333, RSMo 1994, and sections 135.326, 135.327, 135.550 and 135.600, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof seven new sections relating to the same subject.

Senator House moved that **SS** for **SCS** for **HB 542** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 10, Section 135.760, Line 12, by inserting after all of said line the following:

**"135.812. 1. The department of economic development shall establish six housing development revolving loan pilot programs as provided in this section. Any taxpayer may receive a tax credit for funds provided to the department for the establishment of this program but not to exceed a total of four hundred twenty thousand dollars.**

**2. Three pilot programs shall be used to provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in third class counties and three pilot programs shall be used for the same purpose in urban areas.**

**3. The loans shall be no-interest loans made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.**

**4. Any nonprofit corporation desiring to construct single family housing pursuant to this section shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:**

**(1) The area in which the housing is intended to be constructed;**

**(2) A statement about the need for single family housing in such area;**

(3) The time period required for constructing each home and making it available on the market;

(4) A list of the officers, with addresses and phone numbers, of the corporation;

(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loan contracts to qualified nonprofit organizations according to a statement of need and compliance with this section.

6. The department shall set control criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in a revolving account to be used to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the revolving account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the revolving fund and used to fund the construction of another home or to repay a loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the revolving fund to be used for the public benefit in development or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of

connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture or in urban areas shall meet the codes in effect in that community, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the revolving fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling the homes constructed to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The sale contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale

price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:

(1) The home has been the primary home of the purchaser for a period of five years after the closing date; and

(2) The property has not been used as rental property for such five-year period."; and

Further amend the title and enacting clause accordingly.

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

Senator Clay offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 17, Section 135.630, Line 12 of said page, by inserting immediately after said line the following:

"Section 1. 1. Sections 1 to 6 of this act shall be known and may be cited as the "Family Development Account Program".

2. For purposes of sections 1 to 6 of this act, the following terms mean:

(1) "Account holder", a person who is the owner of a family development account;

(2) "Community-based organization", any religious or charitable association formed pursuant to chapter 352, RSMo, that is approved by the director of the department of economic development to implement the family development account program;

(3) "Department", the department of economic development;

(4) "Director", the director of the

department of economic development;

(5) "Family development account", a financial instrument established pursuant to section 3 of this act;

(6) "Family development account reserve fund", the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program and for providing matching funds for moneys in family development accounts;

(7) "Federal poverty level", the most recent poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;

(8) "Financial institution", any bank, trust company, savings bank, credit union or savings and loan association as defined in chapter 362, 369 or 370, RSMo, and with an office in Missouri which is approved by the director for participation in the program;

(9) "Program", the Missouri family development account program established in sections 1 to 6 of this act;

(10) "Program contributor", a person or entity who makes a contribution to a family development account reserve fund and is not the account holder.

Section 2. 1. There is hereby established within the department of economic development a program to be known as the "Family Development Account Program". The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for education, home ownership or small business capitalization.

2. The department shall solicit proposals from community-based organizations seeking to administer the accounts on a not for profit basis. Community-based organization proposals shall include:

(1) A requirement that the individual account holder or the family of an account holder match the contributions of a community-

based organization member by contributing cash;

(2) A process for including account holders in decision-making regarding the investment of funds in the accounts;

(3) Specifications of the population or populations targeted for priority participation in the program;

(4) A requirement that the individual account holder or the family of an account holder attend economic literacy seminars;

(5) A process for including economic literacy seminars in the family development account program; and

(6) A process for regular evaluation and review of family development accounts to ensure program compliance by account holders.

3. In reviewing the proposals of community-based organizations, the department shall consider the following factors:

(1) The not for profit status of such organization;

(2) The fiscal accountability of the community-based organization;

(3) The ability of the community-based organization to provide or raise moneys for matching contributions;

(4) The ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and

(5) The significance and quality of proposed auxiliary services, including economic literacy seminars, and their relationship to the goals of the family development account program.

4. No more than twenty percent of all funds in the reserve fund account may be used for administrative costs of the program in each of the first two years of the program, and no more than fifteen percent of such funds may be used for administrative costs for any subsequent year. Funds deposited by account holders shall not be used for administrative costs.

5. The department shall promulgate rules and regulations to implement and administer the provisions of sections 1 to 6 of this act. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 6 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 3. 1. A family or individual whose household income is less than or equal to two hundred percent of the federal poverty level may open a family development account for the purpose of accumulating and withdrawing moneys for specified expenditures. The account holder may withdraw moneys from the account on the approval of the community-based organization, without penalty, for any of the following expenditures:

(1) Educational costs for any family member at an accredited institution of higher education;

(2) Job training costs for any family member eighteen years of age or older, at an accredited or licensed training program;

(3) Purchase of a primary residence;

(4) Major repairs or improvements to a primary residence; or

(5) Start-up capitalization of a small business for any family member eighteen years of age or older.

2. Financial institutions approved by the department shall be permitted to establish family development accounts pursuant to sections 1 to 6 of this act. The financial institution shall certify to the department, on forms prescribed by the department and accompanied by any documentation required by the department, that such accounts have been established pursuant to the provisions of sections 1 to 6 of this act and that deposits have been made on behalf of the account holder.

3. A financial institution establishing a family development account shall:

(1) Keep the account in the name of the account holder;

(2) Permit deposits to be made in the account by the following, subject to the indicated conditions:

(a) The account holder; or

(b) A community-based organization on behalf of the account holder. Such a deposit may include moneys to match the account holder's deposits, up to a three-to-one match rate;

(3) Require the account to earn at least the market rate of interest; and

(4) Permit the account holder to withdraw moneys from the account for any of the purposes listed in subsection 1 of this section.

4. The total of all deposits by the account holder into a family development account in a calendar year shall not exceed two thousand dollars. The total balance in a family development account shall not exceed fifty thousand dollars.

Section 4. 1. Account holders who withdraw moneys from a family development account not in accordance with subsection 1 of section 3 of this act shall forfeit all matching moneys in the account.

2. All moneys forfeited by an account holder pursuant to subsection 1 of this section shall be returned to the family development account reserve fund of the community-based organization.

3. In the event of an account holder's death, the account may be transferred to the ownership of a contingent beneficiary. An account holder shall name contingent beneficiaries at the time the account is established and may change such beneficiaries at any time. If the named beneficiary is deceased or otherwise cannot accept the transfer, the moneys shall be transferred to the family development account reserve fund of the community-based organization.

Section 5. 1. Moneys deposited in or withdrawn pursuant to subsection 1 of section 3 of this act from a family development account by an account holder are exempted from taxation pursuant to chapter 143, RSMo,

excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, provided, however, that any money withdrawn for an unapproved use should be subject to tax as required by law.

2. Interest earned by a family development account is exempted from taxation pursuant to chapter 143, RSMo.

3. Any funds in a family development account, including accrued interest, shall be disregarded when determining eligibility to receive, or the amount of, any public assistance or benefits.

4. A program contributor shall be allowed a credit against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, pursuant to sections 1 to 6 of this act. Contributions up to fifty thousand dollars per program contributor are eligible for the tax credit which shall not exceed fifty percent of the contribution amount.

5. The department of economic development shall verify all tax credit claims by contributors. The administrator of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to a family development account reserve fund for the calendar year. The director shall determine the date by which such information shall be submitted to the department by the local administrator. The department shall submit verification of qualified tax credits pursuant to sections 1 to 6 of this act to the department of revenue.

6. The total tax credits authorized pursuant to sections 1 to 6 of this act shall not exceed four million dollars in any fiscal year.

Section 6. Subject to appropriations and to the provisions of chapter 34, RSMo, the department shall annually award up to one hundred thousand dollars for an independent evaluation of the program. Based on this program evaluation, the department shall

**provide a comprehensive report on the program to the speaker of the house and the president pro tem of the senate by March first of each year, beginning in 2000.";** and

Further amend said bill and page, section 1, line 1 of said section, by striking "Section 1" and inserting in lieu thereof the following: "**Section 7**"; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Clay offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 1, Section 1, Line 8, by inserting after all of said line the following:

**"(2) "Accredited institution of education", any institution of education, including a university, college, secondary school, vocational and technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any school wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;"**; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 1, Section 1, Line 10, by inserting after the numeral "352" the following: "**or 355**"; and

Further amend said bill, Page 3, Section 6, Lines 23-24, by striking all of said lines and inserting in lieu thereof the following:

**"(1) Educational costs at an accredited institution of education for any family members or dependents;"**; and

Further amend said bill, Page 8, Section 5, Line 2, by striking the word "four" and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 8, Section 5, Line

3, by inserting after all of said line the following:

**"7. Federal funds received by the state for individual development accounts or other federal funds may be deposited in a family development account subject to requirements of federal law and may be segregated in the account, if required by federal law."**

Senator Clay moved that the above amendment be adopted.

At the request of Senator House, **HB 542**, with **SCS, SS** for **SCS, SA 2** and **SA 1 to SA 2** (pending), was placed on the Informal Calendar.

Senator Stoll moved that **HCS** for **HB 676**, with **SCS, SS** for **SCS** and **SA 11** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 11** was again taken up.

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 Mueller, Singleton, Stoll and Howard.

**SA 11** was adopted by the following vote:

YEAS—Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Westfall
Yeckel—17			

NAYS—Senators

Banks	Bland	Caskey	Clay
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Stoll
Wiggins—13			

Absent—Senators

DePasco	Goode	Scott	Staples—4
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Absent with leave—Senators—None

Senator Stoll offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bill No. 676, Page 15, Section 115.123, Line 3 of said page, by striking the word "March" and inserting in lieu thereof the word "April"; and

Further amend said bill, Page 23, Section 115.157, Line 10 of said page, by inserting immediately after the numeral "115.158" the following: "**, and shall, subject to appropriation, be compensated by the state through the election services fund of the county for transaction submitted pursuant to the provisions of this section and other election costs for the reimbursement of other out-of-pocket costs directly associated with the election, including reimbursement of salaries of employees of the election authority for hours worked to conduct an election and other expenses in an amount not to exceed five percent of the total costs of the election**"; and

Further amend said bill, Page 70, Section 115.755, Line 2 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend line 3 of said page, by striking the word "March"; and

Further amend said bill, Page 71, Section 115.761, Line 7 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend said line, by striking the word "March".

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

Senator Banks offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 1, In the Title, Line 12, by inserting immediately after the word "provisions" the following: "and an emergency clause for a certain section"; and

Further amend said bill, page 82, section 3, line 19 of said page, by inserting after all of said line the following:

**"Section 4. Should any vacancy in a ward committee remain unfilled for a period of thirty days, the respective ward committee shall post**

**the date of the election and shall conduct an election for that unfilled position. The ward committee shall send the election results to the central city committee of both parties for ratification of the election results. Upon ratification, the person winning the election shall become the committee person."**; and

Further amend said bill, page 84, section 115.780, line 12 of said page, by inserting immediately after said line the following:

"Section B. Because of the immediate need to ensure local representation, section 4 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 4 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, page 82, Section 3, Line 19 of said page, by inserting after all of said line the following:

**"Section 4. The members of the state committee of a party may remove a member of all state committee members voting thereon. Upon certification to the secretary of state by the state committee that a two-thirds majority of its members have elected to remove a member, such member shall forfeit his or her office and a vacancy shall exist on said state committee."**; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered SA 15:



## SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 58, Section 115.507, Line 19 of said page, by inserting after all of said line the following:

"115.611. 1. [Except as provided in subsection 4 of section 115.613,] any registered voter of the county may have such voter's name printed on the primary ballot of such voter's party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of such candidate's party's county committee, or submit to the county election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

(1) One hundred dollars if such candidate is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;

(3) Except as provided in subdivisions (1) and (2) of this subsection, [no candidate for county committeeman or committeewoman shall be required to pay a filing fee] **the filing fee for candidates for county committeeman and county committeewoman in all other counties shall be ten dollars.**

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The

provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. 1. [Except as provided in subsection 4 of this section,] The qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

[4. The provisions of this subsection shall apply only in any county where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established by law, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall

exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Schneider offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 37, Section 115.285, Line 1 of said page, by inserting after all of said line the following:

"115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams [appointed] **designated** by the election authority **pursuant to section 115.298**, or by first class, registered, or certified mail at the discretion of the election authority. [Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087.] If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The

applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If any voter from the jurisdiction has become hospitalized in the county in which the jurisdiction is located or in any county or in the jurisdiction of an adjoining election authority within the same county after 5:00 p.m. on the Wednesday before an election, if any voter from the jurisdiction has become confined due to illness or injury after 5:00 p.m. on the Wednesday before an election or if any voter from the jurisdiction is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, in the jurisdiction, the election authority may [appoint a team] **designate an absentee ballot team pursuant to section 115.298** to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties of the first class with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may [appoint a team] **designate an absentee ballot team pursuant to section 115.298** to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. [Each team appointed under the provisions of this subsection shall consist of two registered voters, one from each major political party.] Both members of any team [appointed] **designated** pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in red the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 42 USC, 1973 DD".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot."; and

Further amend said bill, Page 39, Section 115.289, Line 12 of said page, by inserting after all of said line the following:

**"115.298. 1. A majority of the members of the county committee of the two major parties in the county shall designate one person each, who shall as a team assist and collect absentee ballots when requested by the county clerk or election authority.**

**2. It shall be a class three election offense for either member of the team described in subsection 1 of this section to assist or collect absentee ballots without the other member of the team."**

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered **SA 17**:

**SENATE AMENDMENT NO. 17**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 68-69, Section 115.652, by striking all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Clay offered **SA 18**:

**SENATE AMENDMENT NO. 18**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 2, Section A, Line 8 by inserting immediately after said line the following:

"105.454. **1.** No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the

state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or one thousand five hundred dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she

attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

**2. No elected or appointed member of any ward or county committee shall participate, serve, or perform any service during the time of his or her office with any public educational institution of higher education that provides college level courses of instruction in the same municipality as such member of a ward or county committee. This subsection shall not apply to the participation, service or**

**performance of any service in a public school that provides courses for post-secondary credit.";** and

Further amend the title and enacting clause accordingly.

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

Senator Ehlmann offered **SA 19**:

**SENATE AMENDMENT NO. 19**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 15, Section 115.123, Line 4, by inserting after the word "year"; the following:

**"For purposes of adopting legislative and congressional district boundaries, the legislature or any entity that is charged with recommending or adopting legislative or congressional district boundaries shall make its recommendations or determinations using population data from the United States Bureau of the Census identical to those from the actual enumeration conducted by the bureau for the apportionment of the Representatives of the United States House of Representatives in the United States decennial census and shall not use census bureau population counts derived from any other means, including the use of statistical sampling, to add or subtract population by inference.";** and

Further renumber the remaining subsections accordingly.

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

Senator Stoll moved that **SS** for **SCS** for **HCS** for **HB 676**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS** for **SCS** for **HCS** for **HB 676** 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	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Wiggins	Yeckel—31	

NAYS—Senators

Graves Westfall—2

Absent—Senator Staples—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	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Wiggins	Yeckel—32

NAYS—Senator Westfall—1

Absent—Senator Staples—1

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.

### 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 **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended: Representatives Skaggs, O'Toole, Hagan-Harrell, Foster and Lograsso.

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 **SBs 1, 92, 111, 129** and **222**, entitled:

An Act to repeal sections 57.130, 88.013, 88.023, 211.031, 211.453, 211.477, 407.025, 476.415, 476.681, 476.682, 476.760, 477.087, 478.320, 487.090, 491.300, 494.415, 494.425, 494.445, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140, 550.240 and 600.040, RSMo 1994, and sections 57.280, 105.464, 351.025, 354.065, 452.310, 452.340, 452.400, 452.401, 452.552, 452.554, 455.067, 455.083, 455.205, 476.385, 476.515, 478.001, 478.268, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260, 590.140 and 632.492, RSMo Supp. 1998, relating to jurisdiction and procedure of courts, and to enact in lieu thereof sixty-four new sections relating to the same subject, with an expiration date for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10 and 11.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, Page 97, Section 3, Line 13 of said page, by deleting the following: "**or any other interested party**"; and

Further amend said bill, Page 99, Section 5, Line 17 of said page, by deleting the following: "**or other interested party is domiciled**"; and

Further amend said bill, Page 100, Section 6, Line 17 of said page, by deleting all of said line and inserting in lieu thereof the following: "**Any provision in a transfer agreement**"; and

Further amend said bill, Page 100, Section 6, Line 21, by inserting after the word "**agreement**" the following: "**shall be unenforceable**"; and

Further amend said bill, Page 100, Section 6, Line 22, by deleting all of said line.

### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos.

1, 92, 111, 129 & 222, Page 38, Section 452.340, Line 4, by inserting immediately after the word "**emancipated**" the following: "**and reciting the factual basis for such statement**".

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 and 222, Page 88, Section 536.053, Line 13 of said page, by inserting after all of said line the following:

**"540.107. 1. All witness testimony before a grand jury shall be recorded stenographically or by an electronic recording device. An unintentional failure of any recording to reproduce all or any portion of such testimony shall not affect the validity of a prosecution. The recording or reporter's notes or any transcript prepared therefrom shall remain in the custody or control of the attorney for the state unless otherwise ordered by the court in a particular case. Before taking down any evidence, the reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting in the prosecution of an indictment brought by such grand jury.**

**2. All testimony recorded or transcribed pursuant to this section is a closed record as provided in chapter 610, RSMo, and shall be accessible to the parties only as provided by supreme court rule.**

**3. Any party requesting a transcript of such testimony shall be responsible for the costs of such transcript.**

**4. The provisions of this section shall apply only to counties of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants.";** and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 26, Section 452.310, Line 12, by inserting after the word "**process**" the following: "or the filing of the entry of appearance, whichever event first occurs".

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Pages 92-93, Section 600.040, Lines 17-24 of page 92, and lines 1-4 of page 93, by striking said lines and inserting in lieu thereof the following:

"600.040. 1. [The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service.] The state shall pay,"; and

Further amend said bill, page 93, section 600.101, lines 20-22 of said page, by striking all of said section; and

Further amend the title and enacting clause of said bill accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 and 222, Page 101, Section 7, Line 8 of said page, by inserting after all of said line the following:

"Section B. Section 21.750, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation

touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction. [This section shall take effect on January 1, 1985.]

**4. The lawful design, marketing, manufacture or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se.**

**5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of the effective date of this section, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of persons to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.**

**6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.**

Section C. Because immediate action is necessary to promote justice, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 61, Section 476.682, Line 24 of said page, by striking the word "eight" on said line and inserting in lieu thereof the word "**two**"; and

Further amend said bill and section, page 62, line 1 of said page, by inserting after the word "judge" on said line the words "**or commissioner**"; and

Further amend said bill, page and section, line 7 of said page, by inserting after the word "foregoing," on said line the words "**any judge or commissioner who has retired prior to August 28, 1999, who serves subsequent to said date as a senior judge or commissioner may receive compensation pursuant to this section regardless of their length of service; and**".

#### HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 47, Section 493.072, Line 5, by inserting after all of said line the following:

"455.045. Any ex parte order of protection granted [under] **pursuant to** sections 455.010 to

455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased [or], rented **or occupied by** petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief [under] **pursuant to** this section by reason of the absence of a property interest in the dwelling unit; **or**

**(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;**

(3) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased or rented by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief [under] **pursuant to** this section by reason of the absence of a property interest in the dwelling unit; **or**

**(d) Jointly occupied by the petitioner and a**

**person other than respondent; provided that the respondent has no property interest in the dwelling unit.**

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;



(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair [his] **the child's** emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo, whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri

supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo."; and

Further amend said 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 Nos. 1, 92, 111, 129 and 222, Page 47, Section 453.072, Line 5 of said page, by inserting after all of said line the following:

"455.035. **1.** Upon the filing of a verified petition [under] **pursuant to** sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of abuse to the petitioner shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall [be in effect until the time of the hearing.] **take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion.**

**2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. Furthermore, the penalty provided by subsection 7 of section 455.085 shall not apply to any person who has not been served with an ex parte order of protection.**

455.040. 1. Not later than fifteen days after the filing of a petition [under] **pursuant to** sections 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a

hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be [personally] served upon the respondent [by personal process server] as provided by law or by any sheriff or police officer at least three days prior to such hearing. Such **notice** shall be served at the earliest time, and service of such **notice** shall take priority over service in other actions, except those of a similar emergency nature. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at [his] **the respondent's** last known address. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement

agency responsible for maintaining MULES shall enter information contained in the order for purposes of verification within twenty-four hours from the time the order is granted. A notice of expiration or of termination of any order of protection shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system."; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 81, Section 494.455, Line 22, by inserting after said line the following:

"494.485. If in any case to be tried before a jury it appears to the court to be appropriate, the court may direct that [not more than four] **a number of** jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors, in the order in which they are called, shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be selected in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the principal jurors. Alternate jurors who do not replace principal jurors shall be discharged after the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law [if one or] **for each** two alternate jurors [are] to be impaneled [and two peremptory challenges if three or four alternate jurors are to be impaneled]. The additional peremptory challenge may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against the alternates."; and

Further amend the title and enacting clause accordingly.

Emergency clause defeated.

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 **SCS** for **SBs 387, 206 and 131**, entitled:

An Act to repeal sections 208.040, 208.070 and 210.170, RSMo 1994, and sections 208.029 and 210.150, RSMo Supp. 1998, relating to programs in the department of social services, and to enact in lieu thereof twenty-two new sections relating to the same subject.

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

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 and 131, delete lines beginning on line 16 with the word assistance through line 19 ending with the period after the word funds; delete all said language. Insert the following language on line 16 after the word working: Once the individual has received the two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds disregard until the individual has not received temporary assistance benefits for twelve consecutive months.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131, Section 210.170, Page 26, by inserting after said section:

"475.035. 1. The venue for the appointment of a guardian or conservator shall be:

(1) In the county in this state where the minor or alleged incapacitated or disabled person is domiciled; or

(2) If the minor or alleged incapacitated or disabled person has no domicile in this state, then in the county in which the minor or alleged incapacitated or disabled person actually resides, or

if he **or she** does not reside in any county, then in any county wherein there is any property of the minor or alleged incapacitated or disabled person; or

(3) In the county, or on any federal reservation within the county, wherein the minor or alleged incapacitated or disabled person or his or her property is found; **or**

**(4) In a county of this state which is within a judicial circuit which has prior and continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section 211.031, RSMo.**

2. If the alleged incapacitated or disabled person has resided in a county other than the county of his or her domicile for more than one year, the court of that county may assume venue for the purpose of appointment of a guardian or conservator.

3. If proceedings are commenced in more than one county, they shall be stayed except in the county where first commenced until final determination of venue in the county where first commenced. The proceeding is deemed commenced by the filing of a petition; and the proceeding first legally commenced to appoint a conservator of the estate extends to all of the property of the protectee in this state."; and

Further amend title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 14, Section 208.071, Line 17, by inserting after all of said line the following:

"210.001. **1.** The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

**2. The department of social services shall fund only regional child assessment centers known as:**

**(1) The St. Louis City child assessment center;**

**(2) The St. Louis County child assessment center;**

**(3) The Jackson County child assessment center;**

**(4) The Buchanan County child assessment center;**

**(5) The Greene County child assessment center;**

**(6) The Boone County child assessment center;**

**(7) The Joplin child assessment center; and**

**(8) The St. Charles County child assessment center." and**

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 1, Section A, Line 16, 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.**

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 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 Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 61**, as amended:

Representatives Hoppe, Foley, Rizzo, Berkstresser and Marble.

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 **SBs 14, 60 and 69**, entitled:

An Act relating to pharmaceutical income tax credits for lower income elderly persons.

With House Substitute Amendment No.1 for House Amendment No.1.

**HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 1**

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 14, 60 & 69, Page 1, Section 1, Line 12 of said page, by inserting after the word "**of**" the word "**two**"; and delete the word "one" after said word

Further amend said bill, Page 2, Section 1, Lines 7 and 8 of said page, by deleting the phrase "**one dollar for every dollar**" and inserting in lieu thereof the phrase "**three dollars for every two hundred dollars**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HB 191**, as amended, and has again taken up and passed **SS No. 2** for **SCS** for **HB 191**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 603, 722 and 783**, 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 has taken up and passed **SCS** for **SB 211**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SB 20**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SB 20**.

Bill ordered enrolled.

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 793**, 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 **SBs 160** and **82**, 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 **HCS** for **HB 267**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 267**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 14**, **60** and **69**, 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.

Senator Mathewson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, and grant

the House a conference thereon, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 603**, **722** and **783**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Clay moved that **SCS** for **SBs 387**, **206** and **131**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SCS** for **SBs 387**, **206** and **131**, entitled:

#### HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 387, 206 AND 131

An Act to repeal sections 208.040, 208.070 and 210.170, RSMo 1994, and sections 208.029 and 210.150, RSMo Supp. 1998, relating to programs in the department of social services, and to enact in lieu thereof twenty-two new sections relating to the same subject.

Was taken up.

Senator Clay moved that **HS** for **HCS** for **SCS** for **SBs 387**, **206** and **131**, as amended, be adopted.

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

Senator DePasco requested unanimous consent of the Senate to correct the Senate Journal for Wednesday, May 12, 1999, pages 1409 and 1410, by inserting the correct version of **SA 2**, which request was granted.

#### 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 within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.

2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the administrative hearing commission under this section shall be binding subject to appeal by either party."; and

Further amend said bill, page 61, Section 7, Line 10 of said page, by inserting after all of said line the following:

"Section 8. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal

aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-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.

#### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted SS for SCS for HCS for HBs 316, 660

and **203**, as amended, and has again taken up and passed **SS** for **SCS** for **HCS** for **HBs 316, 660** and **203**, as amended.

### 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 **SBs 160** and **82**, as amended: Senators Maxwell, Scott, Goode, Childers and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 603, 722** and **783**, as amended: Senators Goode, Maxwell, Russell, Schneider and Westfall.

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 **HCS** for **HB 793**, as amended: Senators Mathewson, Scott, Johnson, Flotron and Sims.

### RESOLUTIONS

Senator Kinder offered Senate Resolution No. 907, regarding Zimmer Broadcast Group, which was adopted.

Senator Maxwell offered Senate Resolution No. 908, regarding Ron Powers, Hannibal, which was adopted.

Senator Maxwell offered Senate Resolution No. 909, regarding the Hawthorne Elementary School, Mexico, which was adopted.

Senator Maxwell offered Senate Resolution No. 910, regarding Michael Bokermann, which was adopted.

Senator Johnson offered Senate Resolution No. 911, regarding Missouri Western State College, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 912, regarding Dr. Janet Gorman Murphy, St. Joseph, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Wilson Fisher, Jefferson City; and Wilson was made an honorary page.

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Robert Schaaf, M.D., St. Joseph.

Senator Sims introduced to the Senate, the Honorable Marti Arnold, Mayor of Sycamore Hills, and her daughter Meagan; and one hundred fourth grade students from Wyland School, St. Louis.

Senator Flotron introduced to the Senate, Peggy and John David Bergmann, St. Louis; and John David was made an honorary page.

Senator Graves introduced to the Senate, Colby Gibson, King City; and Colby was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 14, 1999.

### SENATE CALENDAR

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SEVENTY-THIRD DAY—FRIDAY, MAY 14, 1999

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### 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
2. SBs 18, 49 & 167-  
Goode, et al, with SCS
3. SBs 398 & 376-Maxwell,  
with SCS
4. SB 507-Childers
5. SB 413-Johnson, et al
6. SJR 16-Schneider,  
with SCS
7. SB 98-Kenney
8. SJR 29-Caskey
9. SB 16-Mathewson,  
et al, with SCA 1
10. SB 52-Klarich and  
Flotron
11. SB 236-Stoll
12. SB 447-Stoll

HOUSE BILLS ON THIRD READING

1. HB 64-Long (Russell)
2. HS for HCS for HB 822-  
Liese, with SCS (Clay)
3. HCS for HBs 321 & 493,  
with SCAs 1 & 2 (House)
4. HCS for HBs 192 & 945,  
with SCS (Maxwell)
5. HCS for HB 389, with  
SCS (Klarich)
6. HCS for HB 599, with  
SCS (Jacob)
7. HCS for HBs 430 & 648,  
with SCS (Quick)
8. 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)
9. HS for HCS for HB 826-  
Harlan, with SCS (Howard)  
(In Budget Control)
10. HCS for HJR 26, with  
SCS (Staples)
11. HS for HCS for HBs 718, 225,  
876 & 838-Harlan, with SCS  
(Maxwell)  
(In Budget Control)
12. HS for HCS for HB 180-Hoppe

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- |  |                             |
|--|-----------------------------|
| SS for SCS for SBs 75,<br>381 & 204-Wiggins    | SCS for SB 425-Stoll, et al |
| SS for SCS for SBs 347,<br>40, 241 & 301-House | SB 472-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

HS for HCS for HBs 246 & 405-Bray, with SCS (Clay)	HS for HCS for HB 618- Harlan, with SCS, SS#2 for SCS & SA 1 (pending) (Maxwell)
HCS for HB 349, with SCS, SA 3 & point of order (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)	HJR 5-Barry, et al, with SA 2 & point of order (pending) (Stoll)
HB 542-Barry, with SCS, SS for SCS, SA 2 & SA 1 to SA 2 (pending) (House)	

## 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

SS for SCS for SBs 1, 92,  
111, 129 & 222-  
Schneider, with HS for  
HCS, as amended

SB 115-Russell, with HCA 1  
SCS for SBs 387, 206 &  
131-Clay, with HS for  
HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 61-Bentley, with  
HS for HCS, as amended  
SS for SCS for SBs 160 &  
82-Maxwell, with HS  
for HCS, as amended  
SS#2 for SB 288-Quick,  
with HCS, as amended  
SCS for SBs 308 & 314-  
Scott and Russell,  
with HS for HCS, as  
amended  
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 267, with SS  
for SCS, as amended  
(Scott)  
HCS for HB 343, with SCS,  
as amended (Caskey)  
HS for HB 516-Gaw, with  
SS for SCS, as amended  
(Jacob)  
HCS for HBs 603, 722 &  
783, with SCS, as  
amended (Goode)  
HS for HCS for HB 701-  
Rizzo, with SS for SCS,  
as amended (Mathewson)

HS for HCS for HB 793-  
Treadway, with SS for  
SCS, as amended  
(Mathewson)

HS for HCS for HB 852-  
Hosmer, with SCS  
(Caskey)

Requests to Recede or Grant Conference

SS for SCS for SBs 14, 60 &  
69-Mathewson, with HS for  
HCS, as amended  
(Senate requests House  
recede or grant conference)

HCS for HCRs 6 & 7 (Staples),  
with SA 1, as amended & SA 2  
(Senate refuses to recede and  
requests House grant conference)

HB 261-Auer, with SA 1 (Scott)  
(Senate requests House  
take up and pass the bill)

RESOLUTIONS

SR 359-Ehlmann  
SCR 9-Mueller

SR 840-Steelman  
SR 841-Schneider

Reported from Committee

SR 588-Sims



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