

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SEVENTY-FIFTH DAY, WEDNESDAY, MAY 16, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

Heavenly Power, You are faithful to us, even placing Your trust in our capabilities as You inspire our minds, hearts, and souls. As the days of the session spin towards the close, may we continue to be faithful to You. Help this House rise up to its capacities again today, amid the commotion and the time constraints, building freely on the best efforts in the past.

Assemble these women and men on Your promise to be within our hearts, minds, and souls at all times. You who are everywhere, invade gracefully the everywhere of this Chamber and the hearts of all in this building and all in our noble Missouri always, world without end. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Clyde Manners and Zach Kelly.

The Journal of the seventy-fourth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2156 - Representative Fraser
House Resolution No. 2157 - Representative Harlan
House Resolution No. 2158 - Representative Kreider
House Resolution No. 2159
through
House Resolution No. 2162 - Representative Ridgeway
House Resolution No. 2163 - Representative Wright
House Resolution No. 2164 - Representatives Griesheimer, Overschmidt and Froelker
House Resolution No. 2165 - Representative Burton
House Resolution No. 2166 - Representative McKenna
House Resolution No. 2167 - Representative Naeger
House Resolution No. 2168 - Representative Ross
House Resolution No. 2169 - Representatives Ross and Lograsso
House Resolution No. 2170 - Representatives Ross and Davis (122)

- House Resolution No. 2171 - Representative Kelly (36)
- House Resolution No. 2172 - Representative Green (15)
- House Resolution No. 2173 - Representative Berkstresser

HOUSE RESOLUTION

HR 1894, relating to use of the chamber, was taken up by Representative Riback Wilson (25).

On motion of Representative Riback Wilson (25), **HR 1894** was adopted.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 660, as amended, relating to public school retirement, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **SCS HCS HB 660, as amended**, was adopted by the following vote:

AYES: 154

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Reynolds	Richardson
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 002

Davis Relford

ABSENT WITH LEAVE: 004

Baker Hoppe Long Ridgeway

VACANCIES: 003

On motion of Representative Hagan-Harrell, **SCS HCS HB 660, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 149

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hunter
Jetton	Johnson 61	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Linton
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Reynolds	Richardson
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 002

Davis Relford

ABSENT WITH LEAVE: 009

Baker Clayton Dempsey Hoppe Hosmer
Johnson 90 Lograsso Long Ridgeway

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 153

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Coleman	Cooper
Copenhaver	Crowell	Crump	Cunningham	Curls
Davis	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walton
Ward	Wiggins	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Baker	Clayton	Crawford	Dempsey	Lograsso
Long	Ridgeway			

VACANCIES: 003

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 120**, entitled:

An act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 301.010, 301.041, 301.121, 301.131, 301.440, 302.130, 302.173, 302.178, 304.001, 304.015, 304.022, 304.035, 304.180, 304.200, 304.580, 307.173, 307.375, 575.010 and 577.020, RSMo 2000, section 301.130 as enacted by house committee substitute for senate bill no. 3 and senate bill no. 156, first regular session, eighty-eighth general assembly and section 301.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 70, first regular session, eighty-eighth general assembly, relating to motor vehicles, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions and an expiration date for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 8 and Senate Perfecting Amendment No. 1

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 120, Page 32, Section 302.178, Line 87, by inserting after all of said line the following:

“302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030, RSMo, wherein the court found evidence of the theft of motor fuel as described in subdivision (5) of subsection 2 of section 570.030, RSMo, shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction.

2. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the department of revenue for administration of such order.

3. Suspension of a driver's license pursuant to this section shall be made as follows:

(1) For the first offense, suspension shall be for sixty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days of such suspension;

(2) For the second offense, suspension shall be for ninety days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty days of such suspension; and

(3) For the third or any subsequent offense, suspension shall be for one hundred eighty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first ninety days of such suspension.

4. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 120, Page 32, Section 302.178, Line 87 of said page, by inserting immediately after said line the following:

“301.260. 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: “State of Missouri, official car number” (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such

municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be displayed on each side of such motor vehicle, in letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized new motor vehicle franchised dealer and the school or college and a photo copy of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, **sheltered workshop, as defined in section 178.900, RSMo**, and any interstate compact agency which operates a public mass transportation system."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Bill No. 120, Pages 16-17, Section 301.121, Lines 1-20, by striking all of said section from the bill; and

Further amend said bill, Pages 17-19, Section 301.130, Lines 1-96, by striking all of said section from the bill; and

Further amend said bill, Pages 19-24, Section 301.130, Lines 1-167, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Bill No. 120, Page 28, Section 302.130, Line 81, by inserting after all of said line the following:

"302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a [one-dollar] **two-dollar** donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing

the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of [one dollar] **two dollars** to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the [one-dollar] **two-dollar** donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Committee Substitute for House Bill No. 120, Page 53, Section 577.020, Line 62, by inserting immediately after said line the following:

“Section 1. A towing company as defined in section 304.001, RSMo, shall grant access to insurance personnel for the purposes of inspection, appraisal and photographs of property at no charge and without requiring any surety.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Bill No. 120, Page 49, Section 307.173, Line 45, 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 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. 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. (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 this section 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 pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. 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 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 enter into any mutually acceptable agreement with the dealer. A violation of this subdivisions shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. 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 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 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.

5. 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.

6. 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 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.

7. 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.

8. Each 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, 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.

9. 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 emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official 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.

10. 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.

11. 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.

12. 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.

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

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 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;

(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. 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. (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 this section 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 pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. 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 ten 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 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 ten 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 enter into any mutually acceptable agreement with the dealer. A violation of this [subdivisions]

subsection shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. [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 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 emissions inspection station shall issue] A certificate of [inspection and an approval sticker or seal certifying the emissions system is functioning properly] **approval shall be issued, according to the procedures established by the air conservation commission, for each vehicle found to be in compliance with the standards established by the commission.** 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.

5. 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.

6. 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 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.

7. 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.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall [purchase from the highway patrol sufficient] **furnish** forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system **according to procedures established by the commission.** [In addition, 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.]

9. [In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365,] The [highway patrol] **department of natural resources** shall collect a fee of seventy-five cents for each automobile emissions [certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities] **inspection.** All fees collected by the [superintendent] **department** 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.

10. 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] **this section.** 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.

11. The [superintendent of the Missouri state highway patrol] **air conservation commission** 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] **its** 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.

12. 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.

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

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Committee Substitute for House Bill No. 120, Page 25, Section 301.131, Line 50, by inserting immediately after said line the following:

“301.145. Any person who has been awarded the Congressional Medal of Honor may apply for [special] **Congressional Medal of Honor** motor vehicle license plates for any vehicle [he] **the person** owns, either solely or jointly, other than **an apportioned motor vehicle or a commercial** [vehicles weighing over twelve] **motor vehicle licensed in excess of eighteen** thousand pounds[, as provided in this section] **gross weight**. Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of receipt of the Congressional Medal of Honor as the director may require. The director shall then issue license plates bearing the words “CONGRESSIONAL MEDAL OF HONOR” [in a form prescribed by the advisory committee established in section 301.129, except that]. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. **There shall be no fee charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.**”; and

Further amend said bill, Page 26, Section 301.440, Line 12, by inserting after all of said line the following:

“301.443. 1. Any legal resident of the state of Missouri who is a veteran of service in the armed forces of the United States and has been honorably discharged from such service and who is a former prisoner of war and any legal resident of the state of Missouri who is a former prisoner of war and who was a United States citizen not in the armed forces of the United States during such time is, upon filing an application for registration together with such information and proof in the form of a statement from the United States Veterans Administration or the Department of Defense or any other form of proof as the director may require, entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 for [a motor] **any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [twelve] eighteen** thousand pounds gross weight. There shall be no fee charged for **the first set of license plates issued [under the provisions of] pursuant to this section, but a fee of fifteen dollars in addition to the regular registration fees may be charged for each subsequent set of license plates issued pursuant to this section for each other vehicle owned and titled to such person. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

2. [Not more than one certificate of registration and one corresponding set of motor vehicle license plates or other evidence of registration as provided in section 301.130 shall be issued each year to a qualified former prisoner of war under this section.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.**

3. Proof of ownership and vehicle inspection of the particular motor vehicle for which a registration certificate and set of license plates is requested must be shown at the time of application. Proof of status as a former prisoner of war as required in subsection 1 of this section shall only be required on the initial application.

4. As used in this section, “former prisoner of war” means any person who was taken as an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

5. The director shall furnish each former prisoner of war obtaining a set of license plates [under the provisions of] **pursuant to** subsections 1 to 4 of this section [special] plates which shall have the words “FORMER P.O.W.” on the license plates in preference to the words “SHOW-ME STATE” [as provided in section 301.130 in a form prescribed by the advisory committee established in section 301.129]. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration [at the discretion of the advisory committee established in section 301.129], shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

6. Registration certificates and license plates issued [under the provisions of] **pursuant to** this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified former prisoner of war.

7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the surviving spouse of a former prisoner of war who has not remarried and who has been issued license plates described in subsection 5 of this section shall be entitled to transfer such license plates to the motor [vehicle] **vehicles** of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 **per motor vehicle owned by and titled to such spouse** as if a former prisoner of war until remarriage. There shall be no fee charged for the transfer of such license plates.

(2) The department of revenue shall promulgate rules for the obtaining of a set of license plates described in subsection 5 of this section by the surviving spouse of the former prisoner of war when such license plates are not issued prior to the death of the former prisoner of war. The surviving spouse shall be entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 **per motor vehicle owned by and titled to such spouse** as if a former prisoner of war until remarriage. There shall be no fee charged for the license plates issued pursuant to this subdivision, **but a fee of fifteen dollars in addition to the regular registration fees may be charged for each subsequent set of license plates issued pursuant to this subdivision for each other vehicle owned and titled to such spouse. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

301.445. 1. Any person who has been awarded the combat infantry badge may apply for [special] **combat infantryman** motor vehicle license plates for any **motor** vehicle such person owns, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor vehicle** licensed [for a gross weight not in excess of twelve] **in excess of eighteen** thousand pounds [as provided in section 301.057] **gross weight**. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat infantry badge as the director may require. **Upon presentation of proof of eligibility**, the director shall then issue license plates bearing the words “COMBAT INFANTRYMAN” in place of the words “SHOW-ME STATE” [in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130]. Such plates shall also bear an image of the combat infantry badge. There shall be an additional fee charged for each set of special combat infantry badge license plates issued equal to the fee charged for personalized license plates in section 301.144. No more than one set of combat infantry badge license plates shall be issued to a qualified applicant. **and shall have a common blue and white color scheme and design in a manner prescribed by the director of the department of revenue. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who

has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.447. 1. Any member of the United States Military Service who was stationed on or within three miles of the Hawaiian Island of Oahu on December 7, 1941, during the enemy attack on Pearl Harbor and other related military installations may apply for [special] **Pearl Harbor** motor vehicle license plates for [one] **any motor vehicle [he] such person** owns, either solely or jointly, [as provided in this section] **other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and pay [an additional fee equal to the fee charged for personalized license plates in section 301.144 for the issuance of the license plates provided for herein] **a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Applications for license plates issued [under] **pursuant to** this section shall be accompanied by such proof of eligibility as the director may require.

2. Notwithstanding the provisions of section 301.130, each such license plate shall be embossed with the words "PEARL HARBOR SURVIVOR" at the bottom of the plate [in the form prescribed by the advisory committee established in section 301.129]. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration [at the discretion of the advisory committee established in section 301.129], shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [Such plates shall be available for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying commercial motor vehicles licensed for a gross weight of six thousand pounds up through and including twelve thousand pounds as provided in section 301.057.]

3. [No more than one set of Pearl Harbor survivor plates shall be issued to a qualified applicant] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued [under] **pursuant to** the provisions of this section shall not be transferable to any other person except as provided herein. Any registered co-owner of a motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified applicant. Pearl Harbor survivor plates issued [under] **pursuant to** the provisions of this section shall be transferable only to a widow or widower of a Pearl Harbor survivor.

4. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.448. 1. Any person who has served and was honorably discharged or currently serves in any branch of the United States armed forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve or the Missouri national guard, or any subdivision of any of such services or a member of the United States Marine Corps League may apply for [special] motor vehicle license plates **pursuant to this section for any motor vehicle the person owns**, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor [vehicles] vehicle licensed [for a gross weight of six thousand pounds up through and including twelve] in excess of eighteen thousand pounds [as provided in section 301.057] gross weight.** Any such person shall make application for the [special] license plates **authorized by this section** on a form provided by the director of revenue and furnish such proof that such person is a member or former member of any such branch of service as the director may require. Upon presentation of the proof of eligibility and annual payment of [the fee required for personalized license plates in section 301.144, and other] **a fifteen dollar fee in addition to the regular registration fees and presentation of documents** which may be required by law, the department shall issue personalized license plates which shall bear the seal, logo or emblem, along with a word or words designating the branch or subdivision of such service for which the person applies. **Notwithstanding the provisions of section 301.144, no additional fee shall**

be charged for the personalization of license plates issued pursuant to this section. All seals, logos, emblems or special symbols shall become an integral part of the license plate; however, no plate shall contain more than one seal, logo, emblem or special symbol and the design of such plates shall be approved by the [advisory committee established in section 301.129] **director of revenue** and by the branch or subdivision of such service or the Marine Corps League prior to issuing such plates. The plates shall have a white background with a blue and red configuration [at the discretion of the advisory committee established in section 301.129]. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. [The director of revenue shall not authorize the manufacture of the material to produce such license plates with the individual seal, logo, or emblem until such time he has received one hundred applications for such plates for each branch or subdivision of such service. License plates indicating army reserve, naval reserve, air force reserve, marine corps reserve, coast guard reserve, issued prior to January 1, 1994, will still be in full force and effect until such time the one hundred minimum applications for such branch of service is met.] All license plates issued [under] **pursuant to this provision** must be renewed in accordance with law. License plates issued under the provisions of this section shall not be transferable to any other person, except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed, in the event of the death of the qualified applicant. **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.**

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.451. **1.** Any person who has been awarded the purple heart medal may apply for [special] **purple heart** motor vehicle license plates for any vehicle [he] **such person** owns, either solely or jointly, other than **an apportioned motor vehicle or a commercial** [vehicles weighing over twelve thousand pounds] **motor vehicle licensed in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words “PURPLE HEART” in place of the words “SHOW-ME STATE” [in a form prescribed by the advisory committee established in section 301.129]. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be [an additional] **a fee of fifteen dollars in addition to the regular registration fees** charged for each set of [special] purple heart license plates [issued equal to the fee charged for personalized license plates], but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** License plates issued [under] **pursuant to** the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.456. **1.** Any person who has been awarded the military service award known as the “Silver Star” may apply for [special] **silver star** motor vehicle license plates for any **motor** vehicle such person owns, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed** [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057] **in excess of**

eighteen thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the silver star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof [as determined by the advisory committee established in section 301.129], with the words “SILVER STAR” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the silver star. There shall be [an additional fee] **a fee of fifteen dollars in addition to the regular registration fees** charged for each set of silver star license plates issued pursuant to this section [equal to the fee charged for personalized license plates. No more than one set of silver star license plates shall be issued to a qualified applicant]. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued [under] pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.457. **1.** Any person who served in the Vietnam Conflict and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for [special] **Vietnam veteran** motor vehicle license plates **for any motor vehicle the person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed** [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] **in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of service in the Vietnam Conflict and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility [and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other], **payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents** which may be required by law, the director shall [then] issue license plates bearing letters or numbers or a combination thereof [as determined by the advisory committee established in section 301.129], with the words “VIETNAM VETERAN” in place of the words “SHOW-ME STATE”. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Such plates shall also bear an image of the Vietnam service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. [No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.463. The children's trust fund board established in section 210.170, RSMo, may authorize the use of their

logo to be incorporated on [multiyear personalized] **motor vehicle** license plates [as provided in this section] **for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.** The license plate shall contain an emblem designed by the board depicting two handprints of a child and the words “Children’s Trust Fund” and the children’s trust fund logo in preference to the words “SHOW-ME STATE”. The license plates shall have a common background and shall bear as many letters and numbers as will fit on the plate without damaging the plate’s aesthetic appearance as determined by the director of revenue. Any vehicle owner may annually apply to the board **or director** for the use of the logo. Upon annual application and payment of a twenty-five dollar logo use contribution to the board, the board shall issue to the vehicle owner, without further charge, a “logo use authorization statement”, which shall be presented by the vehicle owner to the department of revenue at the time of registration. **Application for use of the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the children’s trust fund.** Upon presentation of the annual statement [and], payment of [the fee required for personalized license plates in section 301.144, and other] **the regular registration** fees and **presentation of documents** which may be required by law, the department of revenue shall issue a [personalized] license plate described in this section to the vehicle owner. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** The license plate authorized by this section shall be issued with a design approved by both the board and the director of revenue. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. A vehicle owner, who was previously issued a plate with [an emblem] **a logo** authorized by this section and who does not provide [an emblem] **a logo** use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the [emblem] **logo**, as otherwise provided by law. Any contribution to the board derived from this section shall be deposited in the state treasury to the credit of the children’s trust fund established in section 210.173, RSMo.

301.464. **1.** Any person who served in the Korean War and was honorably discharged from such service may apply for [special] **Korean War** motor vehicle license plates **for any motor vehicle the person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055, or for a nonlocal property carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of service in the Korean War and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility [and annual], payment of [the fee required for personalized license plates prescribed by section 301.144, and other] **a fifteen dollar fee in addition to the regular registration** fees and **presentation of documents** which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director of revenue**, with the words “KOREAN WAR VETERAN” in place of the words “SHOW-ME-STATE”. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Such plates shall also bear an image of the Korean War service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. [No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.** License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. **The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.**

301.465. **1.** Any person who served in World War II and was honorably discharged from such service may apply for [special] **World War II** motor vehicle license plates **for any motor vehicle the person owns**, either solely or

jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055, or for a nonlocal property carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of service in World War II and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility [and annual], payment of [the fee required for personalized license plates prescribed by section 301.144, and other] **a fifteen dollar fee in addition to the regular registration fees and presentation of documents** which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director of revenue**, with the words “WORLD WAR II VETERAN” in place of the words “SHOW-ME-STATE”. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Such plates shall also bear an image of the World War II service medal, **known as the victory medal.** The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. [No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3030. 1. Any person may receive special license plates with words and an emblem that denotes respect for human life both before and after birth, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri alternatives to abortion support fund. Such license plates shall be called “Respect Life License Plates”.

2. Respect life license plates shall bear the words “RESPECT LIFE” in place of the words “SHOW-ME STATE” and shall bear the image of a single red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents that may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates that are not respect life license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed

in such offices along with literature prepared by the director describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

8. There is hereby established in the state treasury the “Missouri Alternatives to Abortion Support Fund”. The state treasurer shall credit to and deposit in such fund:

- (1) Moneys that may be required by law to be credited to or deposited in such fund;
- (2) Moneys that may be appropriated to it by the general assembly;
- (3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards or from federal, state or local sources; and
- (4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri alternatives to abortion support fund shall not revert to the credit of general revenue at the end of the biennium.

11. Moneys credited to and deposited in the Missouri alternatives to abortion support fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

12. Until the amount in the Missouri alternatives to abortion fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

13. The Missouri alternatives to abortion support fund shall be used to provide and promote alternatives to abortion services by grants to, or contracts with, private agencies that are:

- (1) Established and operating primarily to provide alternatives to abortion services and that do not perform or refer for abortions or hold themselves out as performing or referring for abortions;
- (2) Located in this state; and
- (3) Exempt from income taxation pursuant to the United States Internal Revenue Code. Such private agencies may include, by way of example but not of limitation, maternity homes and agencies commonly known and referred to as crisis pregnancy centers.

14. As used in this section, “alternatives to abortion services” means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption.

301.3053. 1. Any person who has been awarded the military service award known as the “Distinguished Flying Cross” may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

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

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

transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

4. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3062. 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorizes the use of their official emblem to be affixed on [multiyear] personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion **and the words "AMERICAN LEGION" in place of the words "SHOW-ME STATE"** in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section.] **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

6. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3075. 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

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

3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the

number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

5. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3076. **1.** Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3077. **1.** Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in Desert Storm or Desert Shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled

to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3087. 1. Owners or a joint owner of motor vehicles who are residents of the state of Missouri, and who are clergypersons or members of the clergy, upon application accompanied by an ecclesiastical endorsement as prescribed in this section, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of a fee as prescribed in this section, shall be issued license plates for any motor vehicle other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. In addition, upon such set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the word "CLERGY" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. Applications for license plates issued pursuant to this section shall be made to the director of revenue and shall be accompanied by an ecclesiastical endorsement as provided in this section. Any person who is lawfully in possession of such plates who resigns, is removed, or otherwise terminates or is terminated as a clergyperson or member of the clergy shall return such plates to the director within fifteen days.

3. A fee of fifteen dollars in addition to the regular registration fees shall be paid to the director of revenue for the issuance of the license plates provided for in this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person.

4. As used in this section, the term "clergyperson" or "member of the clergy" refers to individuals who are duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination; who are given the authority to conduct religious worship, perform sacerdotal functions and administer ordinances or sacraments according to the prescribed tenets and practices of that church or denomination; and who possess current ecclesiastical endorsement from the official endorsing agency of the religious body. "Ecclesiastical endorsement" shall mean a written official statement of competent authority that the individual's church or church denomination certifies that the individual is qualified to represent the church or church denomination for purposes of ministry."; and

Further amend the title and enacting clause accordingly.

Senate Perfecting Amendment No. 1

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 120, Page 1278, Column 1, Section 302.286, Lines 5-7 of said column, by striking said lines and inserting in lieu thereof the following:

"RSMo, for the theft of motor fuel as described in this section,".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 219**, entitled:

An act to repeal sections 272.010, 272.020, 272.040, 272.050, 272.060, 272.070, 272.100, 272.110, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190 and 272.200, RSMo 2000, relating to property rights, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 241, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Caskey, Klarich, Cauthorn, Mathewson and Gibbons.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 453, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Steelman, Klarich, Gross, Mathewson and Quick.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **HB 621, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Rohrbach, Steelman, Russell, Goode and DePasco.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SB 72, as amended**: Senators Loudon, Klarich, Steelman, Quick and Scott.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HCS SCS SB 151**, and has taken up and passed **CCS No. 2 HCS SCS SB 151**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 236, as amended**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 274**, and has taken up and passed **CCS HCS SB 274**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SB 369, as amended**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SB 460, as amended**: Senators Klarich, Gibbons, Kinder, Caskey and Jacob.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 462, as amended**, and has taken up and passed **CCS HCS SB 462**.

Emergency clause adopted.

BILLS CARRYING REQUEST MESSAGES

HS HCS SCS SB 236, as amended, relating to public assistance programs, was taken up by Representative Ladd Baker.

Representative Ladd Baker moved that the House refuse to recede from its position on **HS HCS SCS SB 236, as amended**, and grant the Senate a conference.

Which motion was adopted.

HS HCS SS SCS SB 369, as amended, relating to utility access to public rights-of-way, was taken up by Representative Burton.

Representative Burton moved that the House refuse to recede from its position on **HS HCS SS SCS SB 369, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

HS HCS SS SCS SB 369: Representatives O'Connor, Mays (50), O'Toole, Burton and Cooper

HS HCS SCS SB 236: Representatives Abel, Harlan, Ladd Baker, Shields and Portwood

SCS HCS HB 241: Representatives Smith, Willoughby, Curls, Ridgeway and Crowell

SS SCS HB 453: Representatives Ransdall, Smith, Merideth, Hohulin and Jetton.

HB 621: Representatives Gratz, Hampton, Vogel, Relford and Rector

Representative Monaco assumed the Chair.

THIRD READING OF SENATE BILLS

SCS SB 393, relating to gratuitous dental services, was taken up by Representative Treadway.

Representative Treadway offered **HS SCS SB 393**.

Representative Campbell offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 393, by inserting at the appropriate location the following:

"660.026. Subject to appropriation, the director of the department of social services, or the director's designee, may contract with and provide funding support to federally qualified health centers, as defined in 42 U.S.C. Section 1396d(1)(2)(B), in this state. Funds appropriated pursuant to this section shall be used to assist such centers in ensuring that health care, including dental care, and mental health services is available to needy persons in this state. Such funds may also be used by centers for capital expansion, infrastructure redesign or other similar uses if federal funding is not available for such purposes. No later than forty-five days following the end of each federal fiscal year, the centers shall report to the director of the department of social services the number of patients served by age, race, gender, method of payment and insurance status."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Campbell, **House Amendment No. 1** was adopted.

Representative Ladd Baker offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 393, Page 37, Section 332.324, Line 19, by inserting at the end of said line the following:

"Section 1. Dental primary care and preventive health services as authorized in 105.711, RSMo, shall include examinations, cleaning, fluoride treatment, application of sealants, placement of basic restorations and emergency treatment to relieve pain."; and

Further amend title, enacting clause and intersectional references accordingly.

On motion of Representative Ladd Baker, **House Amendment No. 2** was adopted.

On motion of Representative Treadway, **HS SCS SB 393, as amended**, was adopted.

On motion of Representative Treadway, **HS SCS SB 393, as amended**, was read the third time and passed by the following vote:

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AYES: 154

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Graz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Baker	Ballard	Hoppe	Hosmer	Long
Merideth				

VACANCIES: 003

Representative Monaco declared the bill passed.

Speaker Pro Tem Abel resumed the Chair.

The emergency clause was adopted by the following vote:

AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt

Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Clayton	Coleman	Cooper
Crawford	Crowell	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walton
Ward	Wiggins	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Cierpiot	Copenhaver	Crump	Hoppe
Lograsso	Long	Wright		

VACANCIES: 003

SCS SB 374, relating to air emissions, was taken up by Representative Ransdall.

Representative Ransdall offered **HS SCS SB 374**.

On motion of Representative Ransdall, **HS SCS SB 374** was adopted.

On motion of Representative Ransdall, **HS SCS SB 374** was read the third time and passed by the following vote:

AYES: 151

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Coleman	Cooper

Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Linton	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 001

Kelly 144

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 007

Baker	Clayton	Harlan	Hoppe	Lograsso
Long	Shields			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS SS SCS SB 48, relating to dependent care, was taken up by Representative Hollingsworth.

Representative Hollingsworth offered **HS HCS SS SCS SB 48**.

Representative Ridgeway offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after said line the following:

"Section 1. 1. In order to establish consistent and reliable guidelines for judicial review of certain court determinations, there is hereby created within the office of the governor a "Child Abuse, Custody and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse, custody and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, and educator, the chairman of the children's services commission, a division of family services designee, and three citizens of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004."; and

Further amend the title and enacting clause accordingly.

Representative Hollingsworth raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Ribback Wilson (25) offered **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 No. 48, by inserting at the appropriate location the following:

"Section 1. 1. To provide accountability in the review and investigation of child abuse and neglect cases, there is hereby created a "Child Abuse and Neglect Task Force" as a subcommittee of the children's services commission which shall evaluate the laws and rules relating to child abuse and neglect and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The task force shall review and recommend guidelines for what constitutes the best interest of the child.

2. The child abuse and neglect task force shall be composed of twelve members with expertise in the area of child welfare and family law to be appointed by the chair of the children's services commission in consultation with the governor. Such members may include, but not be limited to, a county prosecutor, a certified guardian ad litem, members of the Missouri Bar and Missouri Bench who have training and experience in family law matters, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, an educator, a division of family services designee, and two citizens of the state of Missouri, chosen to reflect the diversity of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and three shall serve for a term of four years.

3. The task force shall make its first report to the governor and the general assembly by February 1,

2002, and any subsequent reports shall be made to the governor and the general assembly as necessary.

4. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the task force.

5. This section shall expire on August 28, 2004."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Riback Wilson (25) moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Abel	Baker	Barry 100	Berkowitz	Bowman
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Copenhaver	Crump	Curls	Davis
Farnen	Franklin	Fraser	Gambaro	George
Graham	Hagan-Harrell	Harding	Harlan	Haywood
Hilgemann	Hollingsworth	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 27	Kelly 36	Lowe	Mays 50
Merideth	Monaco	Overschmidt	Relford	Roark
Skaggs	Thompson	Van Zandt	Walton	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	

NOES: 104

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkstresser	Black	Bland
Boatright	Bonner	Boucher	Boykins	Burcham
Burton	Byrd	Champion	Cierpiot	Coleman
Cooper	Crawford	Crowell	Cunningham	Dempsey
Dolan	Enz	Fares	Foley	Ford
Froelker	Gaskill	Gratz	Green 15	Green 73
Griesheimer	Hampton	Hanaway	Hartzler	Hegeman
Henderson	Hendrickson	Hickey	Hohulin	Holand
Holt	Hunter	Jetton	Kelley 47	Kelly 144
Kennedy	King	Koller	Legan	Levin
Liese	Linton	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	McKenna	Miller
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Secret
Seigfreid	Selby	Shelton	Shields	Shoemyer
St. Onge	Surface	Townley	Troupe	Villa
Vogel	Wagner	Ward	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 007

Hoppe	Lawson	Lograsso	Long	Smith
Treadway	Mr. Speaker			

VACANCIES: 003

Representative Johnson (90) offered **House Substitute Amendment No. 2 for House Amendment No. 1.**

*House Substitute Amendment No. 2
for
House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after said line the following:

"Section 1. 1. In order to establish consistent and reliable guidelines for judicial review of certain court determinations, there is hereby created within the office of the governor a "Child Abuse, Custody and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse, custody and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a certified guardian ad litem, a juvenile court judge, a member of the clergy, a psychologist, a pediatrician, an educator, the chairman of the children's services commission, a division of family services designee, and one citizen of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Johnson (90), **House Substitute Amendment No. 2 for House Amendment No. 1** was adopted.

Representative Britt offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 11, Section 210.922, Line 11, by deleting all of said section and adding in lieu thereof a new section as follows:

"210.928. The department may use the registry information to determine the qualifications of licensed providers pursuant to this chapter and chapters 190, 195, 197, 198 and 660 RSMo. The department may not license, without specific statutory authority, any unlicensed person, corporation, or association who provides in home services under contract with the division of aging or its successor agency."

On motion of Representative Britt, **House Amendment No. 2** was adopted.

Representative Crowell offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 1, Section 210.900, Line 16, by inserting before 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;

(8) The St. Charles County child assessment center;

(9) The Jefferson County child assessment center; [and]

(10) The Pettis County child assessment center;

(11) The southeast Missouri network against sexual violence; and

(12) The lakes area child advocacy center."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Hollingsworth raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Crowell, **House Amendment No. 3** was adopted.

Representative Carnahan offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 6, Section 210.906, Line 8, by inserting after the period on said line the following:

"The department's good cause exemption for employers shall include but not be limited to hospitals who have conducted a background check on the elder-care worker pursuant to the requirements of section 660.317, RSMo."

On motion of Representative Carnahan, **House Amendment No. 4** was adopted.

Representative Richardson offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, by inserting in the appropriate location the following section:

“453.073. 1. The division of family services is authorized to grant a subsidy to a child in one of the forms of allotment defined in section 453.065. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable, and in reference to the needs of the child, including consideration of the physical and mental condition, **and** age [and racial and ethnic background] of the child in each case; provided, however, that the subsidy amount shall not exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program.

2. The subsidy shall be paid for children who have been in the care and custody of the division of family services under the homeless, dependent and neglected foster care program. In the case of a child who has been in the care and custody of a private child-caring or child-placing agency or in the care and custody of the division of youth services or the department of mental health, a subsidy shall be available from the division of family services subsidy program in the same manner and under the same circumstances and conditions as provided for a child who has been in the care and custody of the division of family services.

3. Within thirty days after the authorization for the grant of a subsidy by the division of family services, a written agreement shall be entered into by the division and the parents. The agreement shall set forth the following terms and conditions:

- (1) The type of allotment;
- (2) The amount of assistance payments;
- (3) The services to be provided;
- (4) The time period for which the subsidy is granted, if that period is reasonably ascertainable;
- (5) The obligation of the parents to inform the division when they are no longer providing support to the child or when events affect the subsidy eligibility of the child;
- (6) The eligibility of the child for Medicaid.

[4. In the case that the subsidized family moves from the state of Missouri, the granted subsidy shall remain in force as stipulated in the allotment agreement, as long as the adopting family follows the established requirements and, provided further, that a subsidized family which has moved its residence from the state of Missouri shall, as a condition for the continuance of the granted subsidy, submit to the division of family services by the thirtieth day of June of each year, on a form to be provided by such division, a statement of the amounts paid for expenses for the care and maintenance of the adopted child in the preceding year. If the subsidized family fails to submit such form by the thirtieth day of June of any year, payments under the provisions of sections 453.065 to 453.074 to a family which has moved its residence from the state of Missouri shall cease.]”;

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 5** was adopted.

Representative Ribback Wilson (25) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after all of said line the following:

“630.405. 1. The department may purchase services for patients, residents or clients from private and public vendors in this state with funds appropriated for this purpose.

2. Services that may be purchased may include prevention, diagnosis, evaluation, treatment, habilitation, rehabilitation, transportation and other special services for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse.

3. The commissioner of administration, in consultation with the director, shall promulgate rules establishing procedures consistent with the usual state purchasing procedures [under] **pursuant to** chapter 34, RSMo, for the purchase of services [under] **pursuant to** this section. The commissioner may authorize the department to purchase any technical service which, in his judgment, can best be purchased direct [under] **pursuant to** chapter 34, RSMo. The commissioner shall cooperate with the department to purchase timely services appropriate to the needs of the patients, residents or clients of the department.

4. The commissioner of administration may promulgate rules authorizing the department to review, suspend, terminate, or otherwise take remedial measures with respect to contracts with vendors as defined in subsection one of this section that fail to comply with the requirements of Section 210.906 RSMo.

5. The commissioner of administration may promulgate rules for a waiver of chapter 34, RSMo, bidding procedures for the purchase of services for patients, residents and clients with funds appropriated for that purpose if, in the commissioner’s judgement, such services can best be purchased directly by the department.

6. No rule or portion of a rule promulgated [under] **pursuant to** the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riback Wilson (25), **House Amendment No. 6** was adopted.

Representative Britt assumed the Chair.

Speaker Pro Tem Abel resumed the Chair.

Representative Kelley (47) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 14, by deleting Line 14 through and including Line 24.

Representative Kelley (47) moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

On motion of Representative Hollingsworth, **HS HCS SS SCS SB 48, as amended**, was adopted.

On motion of Representative Hollingsworth, **HS HCS SS SCS SB 48, as amended**, was read the third time and passed by the following vote:

AYES: 145

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Bonner	Boucher

Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
Koller	Lawson	Legan	Levin	Liese
Linton	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
Ostmann	Overschmidt	Phillips	Ransdall	Rector
Reid	Relford	Reynolds	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	St. Onge	Surface
Thompson	Treadway	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 003

Boatright	Hunter	Purgason
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PRESENT: 000

ABSENT WITH LEAVE: 012

Baker	Harlan	Hohulin	King	Long
O'Toole	Portwood	Reinhart	Richardson	Shoemyer
Townley	Troupe			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

Speaker Kreider assumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has third read and passed **HS HCR 25**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 33**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives the Senate refuses to concur in **HCS SS SB 244, as amended**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HB 1000**, entitled:

An act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

With Senate Amendment No. 2

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1000, Page 48, Section 128.415, Line 57, by striking all of said line; and

Further amend said bill, Page 60, Section 128.415, Line 494, by inserting after all of said line the following:

“**BLK: 604006086**”; and

Further amend said bill, Page 79, Section 128.430, Line 37, by striking all of said line; and

Further amend said bill, Page 93, Section 128.440, Line 16, by inserting after all of said line the following:

“**BLK: 506001993**”.

In which the concurrence of the House is respectfully requested.

HOUSE BILL WITH SENATE AMENDMENT

SCS HS HCS HB 1000, as amended, relating to redistricting, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **SCS HS HCS HB 1000, as amended**, was adopted by the following vote:

AYES: 116

Abel	Baker	Barnett	Barry 100	Bartelsmeyer
Behnen	Black	Bland	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Campbell	Carnahan	Champion
Coleman	Cooper	Crawford	Crowell	Crump
Curls	Davis	Dempsey	Dolan	Foley
Ford	Franklin	Fraser	Gambaro	George
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Harding	Harlan	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27

Kelly 36	Kennedy	Koller	Lawson	Legan
Liese	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Monaco	Moore	Murphy
Naeger	Nordwald	O'Connor	Ostmann	Overschmidt
Purgason	Ransdall	Relford	Reynolds	Richardson
Rizzo	Robirds	Scheve	Schwab	Scott
Seigfreid	Selby	Shelton	Shields	Skaggs
Surface	Thompson	Townley	Treadway	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 039

Ballard	Barnitz	Bartle	Bearden	Berkowitz
Berkstresser	Boatright	Byrd	Cierpiot	Clayton
Copenhaver	Cunningham	Enz	Fares	Farnen
Froelker	Gaskill	Graham	Hanaway	Hartzler
Henderson	Hendrickson	Hohulin	Levin	Linton
Lograsso	Miller	Myers	Phillips	Portwood
Rector	Reid	Reinhart	Ridgeway	Ross
Secrest	Shoemyer	Smith	St. Onge	

PRESENT: 000

ABSENT WITH LEAVE: 005

King	O'Toole	Roark	Troupe	Van Zandt
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VACANCIES: 003

Representative Scheve requested a verification of the roll call on the adoption of **SCS HS HCS HB 1000, as amended.**

On motion of Representative Hosmer, **SCS HS HCS HB 1000, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 117

Abel	Baker	Barnett	Barry 100	Bartelsmeyer
Bearden	Behnen	Berkstresser	Black	Bland
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Campbell
Carnahan	Champion	Coleman	Cooper	Crawford
Crowell	Crump	Curls	Davis	Dempsey
Dolan	Fares	Foley	Ford	Franklin
Fraser	Gambaro	George	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hegeman	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
Koller	Lawson	Legan	Liese	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Monaco	Moore	Naeger	Nordwald	O'Connor

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Ostmann	Overschmidt	Purgason	Ransdall	Relford
Reynolds	Richardson	Rizzo	Robirds	Scheve
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Skaggs	Surface	Thompson	Townley
Treadway	Villa	Vogel	Wagner	Walton
Ward	Wiggins	Williams	Willoughby	Wilson 42
Wright	Mr. Speaker			

NOES: 037

Ballard	Barnitz	Bartle	Berkowitz	Boatright
Byrd	Cierpiot	Clayton	Copenhaver	Cunningham
Enz	Farnen	Froelker	Gaskill	Graham
Hanaway	Hartzler	Henderson	Hendrickson	Hohulin
Levin	Linton	Lograsso	Miller	Myers
Phillips	Portwood	Rector	Reid	Reinhart
Ridgeway	Ross	Secrest	Shoemyer	Smith
St. Onge	Wilson 25			

PRESENT: 000

ABSENT WITH LEAVE: 006

King	Murphy	O'Toole	Roark	Troupe
Van Zandt				

VACANCIES: 003

Speaker Kreider declared the bill passed.

Representative Bonner requested a verification of the roll call on the vote to truly agree and finally pass **SCS HS HCS HB 1000, as amended.**

On motion of Representative Crump, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Green (73).

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2174	-	Representative Relford
House Resolution No. 2175	-	Representative Dolan
House Resolution No. 2176		
and		
House Resolution No. 2177	-	Representative Ransdall
House Resolution No. 2178	-	Representative Wright
House Resolution No. 2179	-	Representative Gratz
House Resolution No. 2180	-	Representative Boucher
House Resolution No. 2181	-	Representative Secrest
House Resolution No. 2182	-	Representatives Rector and Monaco

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 80**, entitled:

An act to amend chapters 67 and 70, RSMo, by adding thereto twenty-four new sections relating to the law enforcement organization, with an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 10, Senate Amendment No. 12, Senate Amendment No. 13 and Senate Amendment No. 14

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

“478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting after all of said line the following:

“32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family** based on a specific request for such information from any person. Any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo**, may notify the department of such status and the department shall protect the confidentiality of the records on such a person **and his or her immediate family** as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 **or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 3*

AMEND Senate Amendment No. 3 to Senate Committee Substitute for House Bill No. 80, Page 3, Section 570.120, Line 3, by deleting the opening bracket on Line 3 and the closing bracket on Line 6. Also delete the new language on Line 6; and

Further amend Line 9, by deleting the words “one hundred” and insert in lieu thereof the word “**fifty**”.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

“relating to law enforcement, with penalty provisions and an emergency clause.”; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after said line the following:

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

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

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

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

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

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

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

or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

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

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

employees for the staff of the prosecuting or circuit attorney and employees' salaries.

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

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

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

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

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

Further amend said title, enacting clause and intersectional references accordingly.

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

“650.450. 1. A death benefit of one hundred fifty thousand dollars for a public safety officer who dies in the line of duty, shall be paid in a lump sum to the following relative:

(a) To the surviving spouse;

(b) If there is no surviving spouse, to the surviving children to be shared equally;

(c) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

2. A public safety officer for the purposes of this section is a firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state or Missouri or a political subdivision thereof or any volunteer firefighter serving a rural, volunteer or subscription fire department or organization.

3. As used in this section, “dies in the line of duty” refers to a death that occurs as a direct result of a personal injury or illness resulting from any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule regulation or condition of employment or service to perform.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by striking the words “the law enforcement organization” and inserting in lieu thereof the words “**public safety**”; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

“595.045. 1. There is established in the state treasury the “Crime Victims' Compensation Fund”. A surcharge of [five] ten dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any

court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4.** The remaining funds collected under subsection 1 of this section **shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds** shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[4.] **5.** The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] **6.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected.

The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor under the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to porn-ography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this

subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

- (1) "Catastrophic crime", a violation of section 569.070, RSMo;
- (2) "Office", the office for victims of crime;
- (3) "Private agency", a private agency as defined in section 595.010, RSMo;
- (4) "Public agency", a public agency as defined in section 595.010, RSMo;
- (5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

650.310. 1. The office of victims of crime is hereby established within the department of public safety, for the purpose of promoting the fair and just treatment of victims of crime. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime the office shall, or upon the receipt of a specific request the office may, work closely with other state and local agencies to coordinate a response to meet the needs of any resulting victims of crime.

2. The office for victims of crime shall coordinate efforts with statewide coalitions or organizations that are involved in efforts to provide assistance to victims of crime and to reduce the incidence of domestic violence, sexual assault or other crime victimization. The office shall consult with such coalitions or organizations as to more efficient and effective coordination and delivery of services to victims of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation and maintenance of any such system.

4. The department of public safety may promulgate administrative rules to implement this section, and any such rule that is wholly procedural and without fiscal impact shall be deemed to satisfy the requirements of section 536.016, RSMo."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting after said line the following:

"57.020. Every sheriff shall, within fifteen days after he [receives the certificate of his election or appointment] **or she is sworn into office**, give bond to the state in a sum not less than five thousand dollars nor more than fifty thousand dollars, with sureties approved by the presiding judge of the circuit court, conditioned for the faithful discharge

of his duties; which bond shall be filed in the office of the clerk of the circuit court of the county.

57.030. Should any sheriff be reelected, he shall give a new bond and security within fifteen days from [his election] **the date that he or she is sworn into office**; and should he fail to do so, his former sureties shall not be held liable for any business done by him after the fifteen days expire.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting immediately after said line the following:

"94.577. 1. The governing body of any municipality except those located in whole or in part within any first class county having a charter form of government and not containing any part of a city with a population of four hundred thousand or more and adjacent to a city not within a county for that part of the municipality located within such first class county is hereby authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half of one percent sales tax on all retail sales made in such municipality which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements, which may be funded by issuing bonds which will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. A municipality located in a charter county may impose a sales tax on all retail sales for capital improvements as provided in section 94.890. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the municipality to impose such tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such bonds and their retirement by such tax, or to authorize the retirement of debt under previously authorized bonded indebtedness.

2. The ballot of submission shall contain, but need not be limited to:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) impose a sales tax of (insert amount) for the purpose of funding capital improvements which may include the retirement of debt under previously authorized bonded indebtedness?

G YES G NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) to fund capital improvements and impose a sales tax of (insert amount) to repay bonds?

G YES G NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section,

except that any municipality with a population of greater than four hundred thousand and located within more than one county may submit a proposal pursuant to this section to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section if submitted to the voters on or before November 6, 2001.

3. All revenue received by a municipality from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for capital improvements, including the operation and maintenance of capital improvements, for so long as the tax shall remain in effect. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with revenues raised by the tax authorized by this section. Any funds in the special trust fund required by this subsection which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued pursuant to this section.

4. All revenue received by a municipality which issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of capital improvements. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have been imposed to retire bonds issued under this section.

5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.570, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

7. In any city not within a county, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities. If any municipality abolishes the tax, the municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such municipality, the director of revenue shall remit the balance in the account to the municipality and close the account of that municipality. The director of revenue shall notify each municipality of each instance of any amount refunded or any check redeemed from receipts due the municipality. "; and

Further amend said bill, Page 15, Section B, Line 11, by inserting after all of said line the following:

"Section C. Because immediate action is necessary to protect municipalities, the enactment of section 94.577 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 the enactment of section 94.577 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by striking the following: "the law enforcement organization" and inserting in lieu thereof the following: "**law enforcement**"; and

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

"57.010. **1.** At the general election to be held in 1948, and at each general election held every four years thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, [he] **such person** shall enter upon the discharge of the duties of [his] **such person's** office as **chief law enforcement officer of that county** on the first day of January next succeeding [his] **said** election.

2. Beginning January 1, 2003, any sheriff who does not hold a valid peace officer license pursuant to chapter 590, RSMo, shall refrain from personally executing any of the police powers of the office of sheriff, including but not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. Nothing in this section shall prevent any sheriff from administering the execution of police powers through duly commissioned deputy sheriffs. This subsection shall not apply:

(1) During the first twelve months of the first term of office of any sheriff who is eligible to become licensed as a peace officer and who intends to become so licensed within twelve months after taking office; or

(2) To the sheriff of any county of the first classification with a charter form of government with a population over nine hundred thousand."; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"488.5336. **1.** A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. [An additional] **Without regard to whether the aforementioned surcharge is assessed, a surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020 and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178, RSMo. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.**

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180, RSMo, or for the training of county coroners and their deputies provided that any excess funds not allocated to pay for such training may be used to pay for additional training of peace officers or for training of other law enforcement personnel employed or appointed by the county or municipality. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's

deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

590.010. As used in this chapter, the following terms mean:

- (1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;
- (2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;
- (3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;
- (4) "POST commission", the peace officer standards and training commission;
- (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week.

590.020. 1. No person shall hold a commission as a peace officer without a valid peace officer license.

2. The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision.

3. Notwithstanding any other provision of this chapter, no license shall be required:

- (1) Of any person who has no power of arrest;
- (2) To seek or hold an elected county office, subject to such requirements as chapter 57, RSMo, may impose;
- (3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;
- (4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on the effective date of this section and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government;
- (5) Of any reserve officer continually holding the same commission since August 15, 1988; or
- (6) For any person continually holding any commission as a full-time peace officer since December 31, 1978.

4. Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter.

590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

- (1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and
- (2) Maintain a current address of record on file with the director.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

- (1) Up to one thousand hours may be mandated for any class of license required for commission by a

state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; and

(5) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.050. 1. The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive annual training concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, non-combative methods for carrying out law enforcement duties in a racially and culturally diverse environment.

2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.

4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of public safety.

590.060. 1. The POST commission shall establish minimum standards for training instructors and training centers, and the director shall establish minimum qualifications for admittance into a basic training course.

2. The director shall license training instructors, centers, and curricula, and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. Each person seeking entrance into a basic training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center where such person is seeking entrance. The training center shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the director. The person seeking entrance may be charged a fee for the cost of this procedure.

590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the

resulting report to the director.

2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply:

- (1) The officer failed to meet the minimum qualifications for commission as a peace officer;
- (2) The officer violated municipal, state or federal law;
- (3) The officer violated the regulations of the law enforcement agency; or
- (4) The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations.

3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

590.080. 1. The director shall have cause to discipline any peace officer licensee who:

- (1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;
- (2) Has committed any criminal offense, whether or not a criminal charge has been filed;
- (3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;
- (4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;
- (5) Has violated a condition of any order of probation lawfully issued by the director; or
- (6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.090. 1. The director shall have cause to suspend immediately the peace officer license of any licensee who:

- (1) Is under indictment for, is charged with, or has been convicted of the commission of any felony;
- (2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or
- (3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer.

2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director may, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record pursuant to subdivision

(2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. The director shall also notify the chief executive officer of any law enforcement agency currently commissioning the officer. The director shall have authority to dissolve an emergency order of suspension at any time for any reason.

3. A licensee subject to an emergency order of suspension may petition the administrative hearing commission for review of the director's determination of probable cause, in which case the administrative hearing commission shall within five business days conduct an emergency hearing, render its decision, and issue findings of fact and conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and may be held sufficient to establish probable cause. The administrative hearing commission shall have no authority to stay or terminate an emergency order of suspension without a hearing pursuant to this subsection. Findings and conclusions made in determining probable cause for an emergency suspension shall not be binding on any party in any proceeding pursuant to section 590.080.

4. Any party aggrieved by a decision of the administrative hearing commission pursuant to this section may appeal to the circuit court of Cole County as provided in section 536.100, RSMo.

590.100. 1. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.

2. When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section.

3. Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

4. Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

5. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved.

[590.100. As used in sections 590.100 to 590.180, the following terms mean:

(1) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers in this state;

(2) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality;

(3) "Director", the director of the Missouri department of public safety;

(4) "Peace officer", members of the state highway patrol, all state, county, and municipal law enforcement officers possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of counties or municipalities of the state who serve full time, with pay;

(5) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer.]

[590.101. In any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the definitions contained in section 590.100 shall apply, except that as used in

sections 590.100 to 590.180, the following terms shall mean:

(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners, and other services which are reasonably necessary for the proper functioning of the court;

(2) "Nonprimary enforcement activities", activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations;

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.]

[590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

(1) One hundred twenty hours as of August 28, 1993;

(2) Three hundred hours as of August 28, 1994; and

(3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7. The peace officers standards and training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

8. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

9. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

- (a) Physical abuse;
- (b) Sexual abuse;
- (c) Child fatalities;
- (d) Child neglect;
- (e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.]

590.110. 1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director.

2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case.

[590.110. 1. No person shall be appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as provided in sections 590.100 to 590.180, unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace or reserve officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon

completion of such training program, shall be certified by the director in the same manner as provided for peace officers.]

[590.112. 1. This section applies to any employees of the sheriff's department of any county of the first classification with a population of two hundred thousand or more inhabitants, who have been certified in a program of training, including but not limited to a training and certification program established pursuant to this chapter.

2. If any person subject to subsection 1 of this section is transferred to a department of public safety or similar agency as a result of the passage of a charter form of government in the county, then notwithstanding the provisions of this chapter, or any local ordinance or order to the contrary, such person's training certification shall remain in effect and shall not lapse, and the training and certification required for the person to be employed by the sheriff's department shall be deemed adequate to be appointed to the department of public safety or similar agency. If such person is thereafter reassigned to the sheriff's department, such person shall be deemed certified for appointment to such position, notwithstanding the provisions of section 590.110, to the contrary; and the chief executive officer as defined in section 590.100, shall not be required to furnish to the director of the department of public safety evidence that such person has satisfactorily completed instruction in a course of training for peace officers.]

[590.115. 1. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a peace officer who has been consistently employed as a full-time peace officer and was appointed before December 31, 1978, whether or not such officer changes his place of employment.

2. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer who was appointed as a reserve officer prior to August 15, 1988. Requirements for certification of such reserve officers may be determined by the commission. A certified reserve officer may transfer from one similar jurisdiction to another as a certified reserve officer without any additional training requirements unless or until the certified reserve officer becomes or attempts to become a full-time peace officer, at which time the individual must satisfy the requirements of this chapter to become a certified full-time police officer, or unless or until the certified reserve officer attempts to become a certified reserve officer in a jurisdiction wherein the basic training requirement is higher than the previous jurisdiction's basic training requirement, at which time the individual must satisfy the higher basic training requirements of the new jurisdiction to become a certified reserve officer.

3. Except as provided in subsections 1, 2 and 4 of this section, in the event that a peace officer claims to have had prior basic training, the chief executive officer shall furnish to the director evidence that the noncertified officer has satisfactorily completed instruction in a course of basic training for peace officers conducted by a law enforcement training academy or institute which is approved by the director as providing basic training equivalent to standards set for jurisdictions within this state. The basic training course satisfactorily completed by the noncertified officer shall meet the minimum basic training requirements of the jurisdiction in which he is appointed or is to be appointed as required under the provisions of sections 590.100 to 590.180.

4. The director may certify a chief executive officer as qualified under sections 590.100 to 590.180, if the person's employer furnishes the director with evidence that the chief executive officer has training or experience equivalent to the standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI National Academy or its equivalent as determined by the director, or holds a bachelor of science degree in criminal justice or a related field received from an accredited college or university or a doctor of jurisprudence degree received from a college or university approved by the American Bar Association.

5. Peace officers and reserve officers meeting the basic training requirements under sections 590.100 to 590.180 shall be eligible to be certified by the director.

6. Beginning August 28, 1996, the peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each peace officer or reserve officer subject to the training provisions of sections 590.100 to 590.180 shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178. The peace officer standards and training commission shall require by rule that all peace officers or reserve officers, subject to the training provisions herein, contribute, based on standards set by the commission, to the cost of said training.

7. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the

commission deems necessary.]

[590.117. The department shall provide by administrative rule for the requirements for continuing certification of an inactive or unemployed peace officer during the term of such inactivity or unemployment, provided that the certification of such peace officers shall expire after five consecutive years of such inactivity or unemployment. The cost of any continuing law enforcement education and training required to maintain such certification shall be paid by the inactive or unemployed peace officer.]

590.120. 1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of nine members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No member of the **POST** commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the **POST** commission shall be police chiefs, three members [of the commission] shall be sheriffs, one member [of the commission] shall represent a state law enforcement agency covered by the provisions of [sections 590.100 to 590.180] **this chapter**, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by [sections 590.100 to 590.180] **this chapter**, or an activity or organization directly related to any profession certified or regulated under [sections 590.100 to 590.180] **this chapter**. Each member of the **POST** Commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by [sections 590.100 to 590.180] **this chapter**. No member of the **POST** commission serving a full term of three years may be reappointed to the **POST** commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the **POST** commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the **POST** commission shall be for three years or until their successors are appointed. The director may remove any member of the **POST** commission for misconduct or neglect of office. Any member of the **POST** commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the **POST** commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

3. Annually the director shall appoint one of the members as chairperson. The **POST** commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the **POST** commission shall constitute a quorum.

4. No member of the **POST** commission shall receive any compensation for the performance of his official duties.

5. The **POST** commission shall [establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of peace officer standards and training and] guide and advise the director concerning duties [as outlined by sections 590.100 to 590.180. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo] **pursuant to this chapter**.

[590.121. The director shall certify such academies, core curriculum and instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The certification shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in the training and the methods and measurements used in such training. The director shall adopt and publish rules pertaining to the establishment of minimum standards for certification pursuant to sections 590.100 to 590.180.]

[590.123. 1. The peace officer standards and training commission may promulgate rules and regulations to effectuate the purposes of this chapter. No rule or portion of a rule promulgated under the authority of this section shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

2. Upon filing any proposed rule with the secretary of state, the commission shall concurrently submit such

proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the commission may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

4. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;
- (5) That the rule is arbitrary and capricious.

5. If the committee disapproves any rule or portion thereof, the commission shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

6. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

7. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

[590.125. The director may:

- (1) Publish and distribute to all Missouri law enforcement agencies bulletins, pamphlets, and educational materials relating to training of peace officers;
- (2) Provide seminars, in-service training and supervisory training to ensure that officers of all ranks, both appointed and elected, may be offered training in current enforcement and related subjects on a voluntary enrollment basis;
- (3) Consult with and cooperate with any law enforcement agency or division of the state government or the federal government for the development of training programs for the fulfillment of specific needs in law enforcement;
- (4) Issue or authorize the issuance of, suspend or revoke diplomas, certificates or other appropriate indicia of compliance and qualification to peace officers who complete specialized training courses offered by the department of public safety;
- (5) Encourage the further professionalization of peace officers through training and education.]

[590.130. No elected county peace officer or official shall be required to be certified under sections 590.100 to 590.180 to seek or hold such office, but all appointive deputies or assistants of such officer or official who are employed as peace officers, provided that such county has five or more full-time peace officers, shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified under the terms of sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.]

[590.131. The chief executive officer of each law enforcement agency shall notify the director of a peace officer's separation from the agency, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.]

[590.135. 1. The director or any of his designated representatives may:

- (1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;
- (2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;
- (3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of

compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

- (1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;
- (2) Conviction of a misdemeanor involving moral turpitude;
- (3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;
- (4) Dependence on or abuse of alcohol or drugs;
- (5) Use or possession of, or trafficking in, any illegal substance;
- (6) Gross misconduct indicating inability to function as a peace officer;
- (7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officers standards and training commission.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.]

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come under the provisions of sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected.]

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

590.180. 1. No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case.

2. The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public, except with written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of voluntary interstate exchange of information, during the course of litigation involving the director, to other state agencies, or, upon a final determination of cause to discipline, to law enforcement agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this section shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.

3. In any investigation, hearing, or other proceeding pursuant to this chapter, any record relating to any applicant or licensee shall be discoverable by the director and shall be admissible into evidence, regardless of any statutory or common law privilege or the status of any record as open or closed, including records in criminal cases whether or not a sentence has been imposed. No person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or licensee, with the exception of attorney-client privilege.

4. Any person or entity submitting information to the director pursuant to this chapter and doing so in good faith and without negligence shall be immune from all criminal and civil liability arising from the submission of such information and no cause of action of any nature shall arise against such person.

5. No person shall make any unauthorized use of any testing materials or certification examination administered pursuant to subsection 2 of section 590.030.

[590.180. 1. Any person who purposely violates any of the provisions of section 590.110, 590.115 or 590.175 is guilty of a class B misdemeanor.

2. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes.]

590.190. 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, 2001, shall be invalid and void.

590.195. 1. A person commits a class B misdemeanor if, in violation of this chapter, such person knowingly:

- (1) Holds a commission as a peace officer without a peace officer license valid for such commission; or
- (2) Grants or continues the commission of a peace officer not validly licensed for such commission.

2. Any person who purposely violates any other provision of this chapter shall be guilty of a class B misdemeanor.

3. Any law enforcement agency that commissions a peace officer in violation of this chapter or that is otherwise in violation of any provision of this chapter shall not be eligible to receive state or federal funds that would otherwise be paid to it for the purpose of training and licensing peace officers or for any other law enforcement, safety, or criminal justice purpose.

590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:

- (1) The age, gender and race or minority group of the individual stopped;
- (2) The traffic violation or violations alleged to have been committed that led to the stop;
- (3) Whether a search was conducted as a result of the stop;
- (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;
- (5) Whether any contraband was discovered in the course of the search and the type of any contraband

discovered;

- (6) Whether any warning or citation was issued as a result of the stop;
- (7) If a warning or citation was issued, the violation charged or warning provided;
- (8) Whether an arrest was made as a result of either the stop or the search;
- (9) If an arrest was made, the crime charged; and
- (10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; **and**

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review[; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling].

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"570.320. 1. No person shall operate a website on the Internet that causes another person's computer to dial a long distance telephone number without that other person's knowledge.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor unless the long distance charges exceed one hundred fifty dollars, in which case the person is guilty of a class C felony."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by adding after the end of said line the following:

"544.170. 1. Except as provided in subsection 2 of this section, all persons arrested and confined in any jail[, calaboose] or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense[; and every such person shall, while so confined, be permitted at all reasonable hours during the day to consult with counsel or other persons in his behalf; and any person or officer who shall violate the provisions of this section, by refusing to release any person who shall be entitled to such release, or by refusing to permit him to see and consult with counsel or other persons, or who shall transfer any such prisoner to the custody or control of another, or to another place, or prefer against such person a false charge, with intent to avoid the provisions of this section, shall be deemed guilty of a misdemeanor].

2. Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law, shall be released from custody within thirty-two hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:

- (1) First degree murder pursuant to section 565.020, RSMo;**
- (2) Second degree murder pursuant to section 565.021, RSMo;**
- (3) First degree assault pursuant to section 565.050, RSMo;**
- (4) Forcible rape pursuant to section 566.030, RSMo;**
- (5) Forcible sodomy pursuant to section 566.060, RSMo;**
- (6) First degree robbery pursuant to section 659.020, RSMo; or**
- (7) Distribution of drugs pursuant to section 195.211, RSMo.**

3. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

4. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor."; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SCS SB 236, as amended**: Senators Sims, Bentley, Steelman, Johnson and Mathewson.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SS SCS SB 369, as amended**: Senators Steelman, Stoll, Scott, Klarich and Klindt.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SB 193, as amended**, and has taken up and passed **HCS SS SB 193, as amended by the CCR**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 319, as amended**, and has taken up and passed **CCS HCS SB 319**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 266, as amended**, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SB 48, as amended**, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SCS SB 374** and has taken up and passed **HS SCS SB 374**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SCS SB 393, as amended**, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 586**, entitled:

An act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 471**, entitled:

An act to repeal sections 195.017, 195.070, 195.222, 195.223 and 195.400, RSMo 2000, and to enact in lieu thereof five new sections relating to drug trafficking, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting after all of said line the following:

"478.009. 1. In order to coordinate the allocation of resources available to drug courts throughout the state, there is hereby established a "Drug Courts Coordinating Commission" in the judicial department. The drug courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug courts or for operation of drug courts; secure grants, funds and other property and services necessary or desirable to facilitate drug court operation; and allocate such resources among the various drug courts operating within the state.

2. There is hereby established in the state treasury a "Drug Court Resources Fund", which shall be administered by the drug courts coordinating commission. Funds available for allocation or distribution by the drug courts coordinating commission may be deposited into the drug court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug court resources fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senate Amendment No. 2

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

"441.236. In the event that any premises to be rented, leased, sold, transferred or conveyed is or was used as a site for methamphetamine production, the owner, seller, landlord or other transferor shall disclose in writing to the prospective lessee, purchaser or transferee the fact that methamphetamine was produced on the premises, provided that the owner, seller, landlord or other transferor has knowledge of such prior methamphetamine production. The owner shall disclose any prior knowledge of methamphetamine production, regardless of whether the persons involved in the production were convicted for such production."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

"537.297. 1. The following words as used in this section shall have the following meanings:
(1) "Owner", all of the following persons:
(a) Any person who lawfully owns anhydrous ammonia;
(b) Any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia;
(c) Any person responsible for the installation or operation of such containers, equipment or storage facilities;

- (d) Any person lawfully selling anhydrous ammonia;
- (e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;
- (f) Any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;

(2) "Tamperer", a person who commits or assists in the commission of tampering, or is related to a person who commits or assists in the commission of tampering;

(3) "Tampering", transferring or attempting to transfer anhydrous ammonia from its present container, equipment or storage facility to another container, equipment or storage facility, without prior authorization from the owners.

2. A tamperer assumes the risk of any personal injury, death and other economic and noneconomic loss arising from his or her participation in the act of tampering. A tamperer shall not commence a direct or derivative action against any owner. Owners are immune from suit by a tamperer and shall not be held liable for any negligent act or omission which may cause personal injury, death or other economic or noneconomic loss to a tamperer.

3. The immunity from liability and suit authorized by this section is expressly waived for owners whose acts or omissions constitute willful or wanton negligence.

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

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

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is seven hundred fifty dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia **or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen**, is a class D felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.**

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

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who

violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

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

578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator or any container approved for anhydrous ammonia by the department of agriculture or the United States Department of Transportation.

2. A violation of this section is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

Amend Senate Committee Substitute for House Bill No. 471, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

(5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in sections 195.005 to 195.425;

(6) "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

(7) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

(9) "Dentist", a person authorized by law to practice dentistry in this state;

(10) "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

(11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

(12) "Distribute", to deliver other than by administering or dispensing a controlled substance;

(13) "Distributor", a person who distributes;

(14) "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

(15) "Drug-dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(17) "Drug paraphernalia", all equipment, products, **substances** and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging

small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;

In determining whether an object, **product, substance or material** is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

(c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;

(d) The proximity of the object to controlled substances or imitation controlled substances;

(e) The existence of any residue of controlled substances or imitation controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National or local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use;

(o) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

(18) "Federal narcotic laws", the laws of the United States relating to controlled substances;

(19) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo;

- (20) "Immediate precursor", a substance which:
- (a) The state department of health has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
 - (b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance;
- and
- (c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;
- (21) "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following:
- (a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;
 - (b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
 - (c) Whether the substance is packaged in a manner normally used for illicit controlled substances;
 - (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;
 - (e) The proximity of the substances to controlled substances;
 - (f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;
- (22) "Laboratory", a laboratory approved by the department of health as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;
- (23) "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:
- (a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or
 - (b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;
- (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to *Cannabis Sativa L.*, *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;
- (25) **"Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;**
- (26) "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:
- (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;
 - (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of

ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(26)] (27) "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health;

[(27)] (28) "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(28)] (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

[(30)] (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo, of a drug other than a controlled substance;

[(29)] (31) "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

[(30)] (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

[(31)] (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

[(32)] (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(33)] (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(34)] (36) "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(35)] (37) "Registry number", the number assigned to each person registered under the federal controlled substances laws;

[(36)] (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(37)] (39) "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(38)] (40) "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

[(39)] (41) "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions."; and

Further amend said bill, Page 22, Section 195.223, Line 102, by inserting immediately after said line the following:

"195.235. 1. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425.

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.

195.246. 1. It is unlawful for any person to possess [ephedrine, its salts, optical isomers and salts of optical isomers or pseudoephedrine, its salts, optical isomers and salts of optical isomers] **any methamphetamine precursor drug** with the intent to manufacture **amphetamine**, methamphetamine or any of [its] **their** analogs.

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony."; and

Further amend said bill, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

"195.417. 1. No person shall deliver in any single over-the-counter sale more than three packages of any methamphetamine precursor drug or any combination of methamphetamine precursor drugs.

2. This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.

3. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited to:

(1) Sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and

(2) For nonliquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.

2. Any person holding a retail sales license pursuant to chapter 144, RSMo, who knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.

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

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

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

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

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

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

3. Stealing is a class C felony if:

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

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

- (3) The property appropriated consists of:
- (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo.
4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class B felony.**
5. The theft of any item of property or services under subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.
6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.
7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.
- 578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.**
- 2. A violation of this section is a class D felony."**; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

THIRD READING OF SENATE BILLS

HCS SCS SB 617, relating to enterprise zones, was taken up by Representative Rizzo.

Representative Rizzo offered **HS HCS SCS SB 617**.

Representative Rizzo offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 80, Section 135.406, Line 3, by inserting after the word "sections" the number "**135.400**".

On motion of Representative Rizzo, **House Amendment No. 1** was adopted.

Representative Rizzo offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 6, Section 67.1442, Line 17 of said page, by deleting from said line the word "**forty-nine**" and inserting in lieu thereof the following: "**forty**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Rizzo, **House Amendment No. 2** was adopted.

Representative Rizzo offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Pages 136 to 141, Section 319.129, Lines 18 to 24 of Page 136, Lines 1 to 24 of Pages 137, 138, 139, and 149, and Lines 1 to 17 of Page 141, by deleting all of said lines; and

Further amend said bill, Pages 141 to 150, Section 319.131, Lines 18 to 24 of Page 141, Lines 1 to 24 of Pages 142 to 149, and Lines 1 to 5 of Page 150, by deleting all of said lines; and

Further amend said bill, Pages 150 to 152, Section 319.132, Lines 6 to 24 of Page 150, Lines 1 to 24 of Page 151, and Lines 1 to 21 of Page 152, by deleting all of said lines; and

Further amend said bill, Pages 152 and 153, Section 319.133, Lines 22 to 24 of Page 152, and Lines 1 to 19 of Page 153, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Rizzo, **House Amendment No. 3** was adopted.

Representative Rizzo offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Pages 99 to 106, Section 135.500, Lines 6 to 24 of Page 99, Lines 1 to 24 of Pages 100 to 105, and Lines 1 to 6 of Page 106, by deleting all of said lines and inserting in lieu thereof the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] **fifteen** percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person [ten] **fifteen** percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business[. Capital in a qualified Missouri business shall not include secured debt instruments];

(4) "Certified capital **investment**", an investment of cash by an investor in a Missouri certified capital company **that fully funds either the investor's equity interest in a certified capital company, a qualified debt instrument that a certified capital company issues, or both;**

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

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

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "**Qualified debt instrument**", a debt instrument that a certified capital company issues at par value or at a premium that:

(a) **Has an original maturity date of at least five years from the date on which it was issued;**

(b) **Has a repayment schedule that is no faster than a level principal amortization; and**

(c) **Until the certified capital company may make distributions other than qualified distributions, the interest, distribution or payment features of which are not related to the certified capital company's profitability or the performance of its investment portfolio;**

(12) "Qualified distribution", any distribution of payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company [; and] **which, on an annual basis, do not exceed two and one-half percent of the certified capital company's total certified capital;**

(c) **Reasonable and necessary fees paid for professional services related to the operation of the certified capital company; and**

[(c)] (d) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

[(12)] (13) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business. **The investment must also be for the purchase of an equity security of the qualified business or a debt security of the qualified business, provided the debt has a maturity of at least one year. The debt security must be unsecured or be convertible into equity securities or equity participation instruments such as options or warrants, unless the debt security is issued by:**

(a) **A qualified Missouri agricultural business; or**

(b) **A qualified business located in a distressed community and has been approved by the director. Such approval by the director shall not be unreasonably withheld and shall be granted or denied within fifteen business days of request by the certified capital company.**

As a condition of the investment, the qualified business must agree to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment;

(14) "**Qualified Missouri agricultural business**", any independently owned and operated business, which

is headquartered and located in Missouri, which has at least eighty percent of its employees working in Missouri, which is involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians, and meets the requirements of paragraphs (a), (b), (e) and (f) of subdivision (15) of subsection 2 of this section, and which is either:

(a) A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or

(b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;

[(13)] (15) "Qualified Missouri business", an independently owned and operated business, which is headquartered and [located] **has its principal business operations** in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business:

(a) Shall have no more than two hundred employees[.];

(b) **Shall have at least** eighty percent of [which are] **its employees** employed in Missouri[. Such business];

(c) Shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians[.];

(d) If [such business] **it** has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars[.];

(e) **Shall certify that it will maintain its headquarters and principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment; and**

(f) **If any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the [other] qualifications of paragraphs (a), (b) and (d) of this [subsection] subdivision at the time of such follow-on investments, provided, however, that such business continues to meet the other requirements set forth in this subdivision, and such business reaffirms its intention to maintain its headquarters and its principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation;**

[(14)] (16) "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997."; and

Further amend said bill, Pages 114 to 122, Section 135.516, Lines 23 to 24 of Page 114, Lines 1 to 24 of Pages 115 to 121, and Lines 1 to 9 of Page 122, by deleting all of said lines and inserting in lieu thereof the following:

"135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital

company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company[, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate]:

- (a) **Shall be held in a financial institution or held by a registered broker-dealer;**
- (b) **Shall not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company;**
- (c) **Shall be invested only in:**
 - a. **Any United States Treasury obligations;**
 - b. **Certificates of deposit or other obligations, maturing within three years after acquisitions of such certificates or obligations, issued by a financial institution or trust company incorporated pursuant to the laws of the United States;**
 - c. **Obligations which (i) are rated "A" or better by any nationally recognized credit rating agency, or (ii) issued by, or guaranteed with respect to payment by, an entity whose unsecured indebtedness is rated "A" or better by any nationally recognized credit rating agency and which is not subordinated to other unsecured indebtedness of the issuer or guarantor, as the case may be;**
 - d. **Mortgage-backed securities, with an average life of five years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;**
 - e. **Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States government, are not private-label issues, are in book-entry form, and do not include the classes of interest only, principal only, residual or zero; or**
 - f. **Interests in money market funds, the portfolio of which is limited to cash and obligations described in subparagraphs a to e of this paragraph.**

2. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

[2.] 3. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments, **and, with respect to qualified investments made with certified capital raised after August 28, 2001, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital

company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

4. In the event that a business in which a qualified investment is made fails to comply with its agreement to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment, by relocating its headquarters or principal business operations of such business within the state to another state, the cumulative amount of qualified investment shall be reduced for purposes of this subsection only by the amount of such qualified investment, unless:

(1) The certified capital company invests an amount of at least equal to the investment of certified capital in the relocated business in a qualified business located in the state or in a distressed community, if the investment is to be credited to a distressed community allocation, within six months of the relocation; or

(2) The business demonstrates that it has returned its principal business operations to Missouri or a distressed community, if the investment is to be credited to a distressed community allocation, within three months of such relocation.

[3.] **5.** No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

[4.] **6.** Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

[5.] **7.** Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Rizzo, **House Amendment No. 4** was adopted.

Representative Wright offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 32, Section 135.200, Line 8, by inserting after all of said line the following:

"135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) Any city with a population of at least one hundred and forty thousand inhabitants that is located in a county of the first classification with a noncharter form of government with a population of less than two hundred and seventy thousand which includes an existing state designated enterprise zone within the corporate limits of the city may, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits, one of which shall be east of and adjacent to its municipally owned airport and one on land owned by the city which contains a wastewater treatment plant with a treatment capacity of five million six hundred thousand cubic feet per day and an electric power plant having a capacity of at least two hundred seventy-five megawatts. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to 135.255."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 5** was adopted.

Representative Griesheimer offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Section 348.302, Line 17, by inserting after all of said line the following:

"447.700. As used in sections 447.700 to 447.718, the following terms mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure; or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 260, RSMo, and has been vacant for a period of not less than three years from the time an application is made to the department of economic development;

(2) "Allowable cost", all or part of the costs of project facilities, including the costs of acquiring the property, relocating any remaining occupants, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping or furnishing project facilities, demolition, site clearance and preparation, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies and estimates of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project or providing project facilities, architectural, engineering and legal service fees and expenses, the costs of conducting any other activities as part of a voluntary remediation and such other expenses as may be necessary or incidental to the establishment or development of an eligible project and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs. **In any third class city with a population of more than eleven thousand but less than twelve thousand inhabitants located in a county of the first classification with a population of more than eighty thousand but less than eighty-two thousand inhabitants, allowable costs shall also include twenty-five percent of the demolition costs up to one hundred twenty-five thousand dollars of any building or structure which is located on the site of an abandoned or underutilized property;**

(3) "Applicant", the person that submits an application for consideration of a project or location or real property for financial, tax credit or other assistance pursuant to sections 447.700 to 447.718; an applicant may not be any party who intentionally or negligently caused the release or potential release of hazardous substances at the eligible project as that term is defined pursuant to chapter 260, RSMo;

(4) "Eligible project", abandoned or underutilized property to be acquired, established, expanded, remodeled, rehabilitated or modernized for industry, commerce, distribution or research or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities, attract new businesses to the state, prevent existing businesses from leaving the state and improve the economic welfare of the people of the state. The term "eligible project", without limitation, includes voluntary remediation conducted pursuant to sections 260.565 to 260.575, RSMo. To be an "eligible project" pursuant to sections 447.700 to 447.718, the obligations of the prospective applicant and the governmental agency shall be defined in a written agreement signed by both parties. The facility, when completed, shall be operated in compliance with applicable federal, state and local environmental statutes, regulations and ordinances. An "eligible project" shall be determined by consideration of the entire project. The definition or identification of an "eligible project" shall not be segmented into parts to separate commercial and industrial uses from residential uses;

(5) "Financial assistance", direct loans, loan guarantees, and grants pursuant to sections 447.702 to 447.706; and tax credits, inducements and abatements pursuant to section 447.708;

(6) "Governmental action", any action by a state, county or municipal agency relating to the establishment, development or operation of an eligible project and project facilities that the governmental agency has authority to take or provide for the purpose under law, charter or ordinance, including but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee recruitment and training, and liaison and coordination with and among governmental agencies;

(7) "Governmental agency", the state, county and municipality and any department, division, commission, agency, institution or authority, including a municipal corporation, township, and any agency thereof and any other political subdivision or public corporation; the United States or any agency thereof; any agency, commission or authority established pursuant to an interstate compact or agreement and any combination of the above;

(8) "Person", any individual, firm, partnership, association, limited liability company, corporation or governmental agency, and any combination thereof;

(9) "Project facilities", buildings, structures and other improvements and equipment and other property or fixtures, excluding small tools, supplies and inventory, and public capital improvements;

(10) "Public capital improvements", capital improvements or facilities owned by a governmental agency and which such agency has authority to acquire, pay the costs of, maintain, relocate or operate, or to contract with other persons to have the same done, including but not limited to, highways, roads, streets, electrical, gas, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities;

(11) "Underutilized", real property of which less than thirty-five percent of the commercially usable space of the property and improvements thereon, are used for their most commercially profitable and economically productive use; or property that was used by the state of Missouri as a correctional center for a period of at least one hundred years and which requires environmental remediation before redevelopment can occur, if approval from the general assembly has been given for any improvements to, or remediation, lease or sale of, said property;

(12) "Voluntary remediation", an action to remediate hazardous substances and hazardous waste pursuant to sections 260.565 to 260.575, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Griesheimer, **House Amendment No. 6** was adopted.

Representative Gambaro offered **House Amendment No. 7**.

Speaker Kreider resumed the Chair.

Representative Lograsso raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Skaggs offered **House Amendment No. 7**.

Representative Scheve raised a point of order that **House Amendment No. 7** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Hohulin offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 84, Section 620.1450, Line 21, by inserting after all of said section the following:

"Section 1. In third class counties with a population of fewer than 30,000 people and bordered by a state line and at least two other third class counties, a tax credit shall be granted to the owner of a recreation facility with at least six baseball diamonds, equal to eighty percent of costs incurred for improvements made to such facility, with an annual cap on the tax credit of \$10,000. The credit must be claimed the same calendar year in which the costs were incurred. A claimant must apply to the Department of Economic Development, as prescribed by the director, who shall certify the credit to the taxpayer and to the Department of Revenue. The credit is nonrefundable and cannot be carried forward or back."; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Hohulin moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Luetkenhaus offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 136, Section 135.545, Line 17 of said page, by inserting after all of said line the following:

"135.552. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
(2) "Director", the director of the department of public safety;
(3) "Sexual violence crisis service center", a nonprofit organization having a primary function of serving sexual violence victims, or running a discrete, separate program that serves sexual violence victims, or two or more nonprofit organizations operating under a formal arrangement to provide sexual violence services to victims of rape, sexual assault and sexual abuse, their significant others, secondary victims and the community. For purposes of this section, eligible services of a sexual violence crisis service center, include, but shall not be limited to, the operation of a twenty-four-hour crisis hotline promoted as a service for sexual violence victims and the provision of information, referrals, medical and justice system advocacy, crisis intervention and support groups at no charge and community education and prevention education;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", a 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, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, 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 pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a sexual violence crisis service center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer

shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a sexual violence crisis service center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which organizations and programs in this state may be classified as sexual violence crisis service centers. The director may require an organization or program seeking to be classified as a sexual violence crisis service center to submit any information which is reasonably necessary to make such a determination. The director shall classify an organization or program as a sexual violence crisis service center if such organization or program meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if an organization or program has been classified as a sexual violence crisis service center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Sexual violence crisis service centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to sexual violence crisis service centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all organizations and programs classified as sexual violence crisis service centers. If a sexual violence crisis service center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those sexual violence crisis service centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each sexual violence crisis service center shall provide information to the director concerning the identity of each taxpayer making a contribution to the sexual violence crisis service center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
 (2) "Director", the director of the department of social services;
 (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

(4) "Taxpayer", a 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, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, 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 pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;

(5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require a facility seeking to be classified as an unplanned pregnancy resource center to submit any information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.631. The tax credits available pursuant to sections 135.552 and 135.630 shall not be available in any tax year beginning after December 31, 2006, but any tax credit claimed pursuant to section 135.552 or 135.630 prior to that date may be carried forward as otherwise provided by those sections."; and

Further amend said bill, Page 157, Section 348.302, Line 17 of said page, by inserting after all of said line the following:

"620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

2. For tax years beginning on or after January 1, 2001, the director of the department of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years.

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The aggregate of all tax credits authorized pursuant to this section shall not exceed [nine] **five** million seven hundred thousand dollars in any year."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Luetkenhaus, **House Amendment No. 8** was adopted.

Representative Kelly (144) offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, by inserting the following in the appropriate location:

"135.211. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third classification with a population of at least sixteen thousand seven hundred but no more than sixteen thousand eight hundred inhabitants. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

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

Representative Kelly (144) moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Hohulin offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 84, Section 620.1450, Line 21, by inserting after all of said section the following:

"Section 1. In third class counties with a population of fewer than 30,000 people and bordered by a state line and at least two other third class counties, a tax credit shall be granted to the owner of a recreation facility with at least six baseball diamonds, equal to eighty-five percent of costs incurred for improvements and/or repairs made to such facility, with an annual cap on the tax credit of \$10,000. The credit must be claimed the same calendar year in which the costs were incurred. A claimant must apply to the Department of Economic Development, as prescribed by the director, who shall certify the credit to the taxpayer and to the Department of Revenue. The credit is nonrefundable and cannot be carried forward or back."; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Campbell raised a point of order that **House Amendment No. 10** is dilatory.

The Chair ruled the point of order not well taken.

On motion of Representative Hohulin, **House Amendment No. 10** was adopted.

Representative Merideth offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 60, Section 135.200, Line 21, by inserting after said line the following:

"135.205. For purposes of sections 135.200 to 135.256, an area must meet all the following criteria in order to qualify as an enterprise zone:

- (1) The area is one of pervasive poverty, unemployment, and general distress;
- (2) At least sixty-five percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;
- (3) The resident population of the area must be at least four thousand but not more than seventy-two thousand at the time of designation as an enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau; or, if the area does not lie within a metropolitan statistical area, the resident population

of the area at the time of designation must be at least one thousand but not more than [twenty] **twenty-five** thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction; provided, however, no enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Merideth, **House Amendment No. 11** was adopted.

Representative Burcham offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Line 20, by inserting after all of said line the following:

"Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey all interest in fee simple absolute in property owned by the state in the County of St. Francois, State of Missouri, to the St. Francois County Habitat for Humanity, Inc. The property to be conveyed is more particularly described as follows:

A tract of land situated in the city of Farmington and the state of Missouri, lying in part of Lot 70 of the Subdivision of United States Survey 2969, Township 35 North, Range 5 East of the fifth Principal Meridian, described as follows, to wit: Commencing at the Southeast corner of Lot 4 of Crosswinds - Amended Plat 1, a subdivision filed for record in Plat Book 14 at Page 42, being on the West right-of-way line of Perrine Road, the POINT OF BEGINNING of the tract herein described; thence South 07°05'05" West 150.00' along said West right-of-way line; thence leaving said West right-of-way line, North 82°45'45" West 167.67'; thence North 07°05'05" East 150.00' to the Southwest corner of Lot 42 of Crosswinds - Plat 2, a subdivision filed for record in Plat Book 15 at Page 163; thence South 82°45'45" East 167.67' along the South line of said Lot 42 and said Lot 4 to the point of beginning. Containing 0.58 acres, more or less.

SUBJECT TO ALL easements, conditions, restrictions and right-of-ways of record and those not of record.

2. The commissioner of administration shall set the terms and conditions for the 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.

3. The attorney general shall approve as to form the instrument of conveyance.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Burcham, **House Amendment No. 12** was adopted.

Representative Bearden offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Section 348.300, Line 17, by inserting after all of said section the following:

"620.010. 1. There is hereby created a "Department of Economic Development" to be headed by a director appointed by the governor, by and with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 shall continue to apply to this department and its divisions, agencies and personnel.

2. The office of director of the department of business and administration, chapter 35, RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the department of economic development. The department of business and administration is hereby abolished.

3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are transferred by type I transfer to the personnel division, office of administration.

4. The powers, duties and functions vested in the public service commission, chapters 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers, and the state banking board, chapter 361, RSMo, and others, and the savings and loan commission, chapter 369, RSMo, and others, are transferred by type II transfers to the department of economic development. The director of the department is directed to provide and coordinate staff and equipment services to these agencies in the interest of facilitating the work of the bodies and achieving optimum efficiency in staff services common to all the bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service commission from presenting additional budget requests or from explaining or clarifying its budget requests to the governor or general assembly.

5. The powers, duties and functions vested in the office of the public counsel are transferred by type III transfer to the department of economic development. Funding for the general counsel's office shall be by general revenue.

6. The public service commission is authorized to employ such staff as it deems necessary for the functions performed by the general counsel other than those powers, duties and functions relating to representation of the public before the public service commission.

7. There is hereby created a "Division of Credit Unions" in the department of economic development, to be headed by a director, nominated by the department director and appointed by the governor with the advice and consent of the senate. All the powers, duties and functions vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are transferred to the division of credit unions of the department of economic development, by a type II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the director of the division of credit unions shall be set by the director of the department within the limits of the appropriations therefor. The director of the division shall assume all the duties and functions of the state supervisor of credit unions and the commissioner of finance only where the director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

8. The powers, duties and functions vested in the division of finance, chapters 361, 362, 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department of economic development. There shall be a director of the division who shall be nominated by the department director and appointed by the governor with the advice and consent of the senate.

9. All the powers, duties and functions vested in the director of the division of savings and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other provision of law are transferred to the division of finance of the department of economic development by a type I transfer. The position of the director of the division of savings and loan supervision is hereby abolished. The director of the division of finance shall assume all the duties and functions of the director of the division of savings and loan supervision as provided in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law. The division of savings and loan is hereby abolished. The powers of the savings and loan commission are hereby limited to hearing appeals from decisions of the director of the division of finance approving or denying applications to incorporate savings and loan associations or to establish branches of savings and loan associations and approving regulations pertaining to savings and loan associations. Any appeals shall be held in accordance with section 369.319, RSMo.

10. On and after August 28, 1990, the status of the division is modified under a specific type transfer pursuant

to section 1 of the Omnibus Reorganization Act of 1974. The status of the division is modified from that of a division transferred to the department of economic development pursuant to a type II transfer, as provided for in this section, to that of an agency possessing the characteristics of a division transferred pursuant to a type III transfer; provided, however, that the division will remain within the department of economic development. The division of insurance shall be assigned to the department of economic development as a type III division, and the director of the department of economic development shall have no supervision, authority or control over the actions or decisions of the director of the division. All authority, records, property, personnel, powers, duties, functions, matter pending and all other pertinent vestiges pertaining thereto shall be retained by the division except as modified by this section. If the division of insurance becomes a department by operation of a constitutional amendment, the department of economic development shall continue until December 31, 1991, to provide at least the same assistance as was provided in previous fiscal years for personnel, data processing support and other benefits from appropriations.

11. All the powers, duties and functions of the commerce and industrial development division and the industrial development commission, chapters 184 and 255, RSMo, and others, not otherwise transferred, are transferred by type I transfer to the department of economic development, and the industrial development commission is abolished. All powers, duties and functions of the division of commerce and industrial development and the division of community development are transferred by a type I transfer to the department of economic development, and the division of commerce and industrial development and the division of community development are abolished.

12. All the powers, duties and functions vested in the tourism commission, chapter 258, RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type III transfer.

13. All the powers, duties and functions of the department of community affairs, chapter 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the department of economic development, and the department of community affairs is abolished. The director of the department of economic development may assume all the duties of the director of community affairs or may establish within the department such subunits and advisory committees as may be required to administer the programs so transferred. The director of the department shall appoint all members of such committees and heads of subunits.

14. (1) There is hereby established a "Division of Professional Registration" assigned to the department of economic development as a type III division, headed by a director appointed by the director of the department with the advice and consent of the senate.

(2) The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall issue the original license or certificate.

(3) The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

(4) The director of the division shall establish a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds, moneys sufficient to reimburse the division and other state agencies for all

services rendered and all facilities and supplies furnished to that board.

(5) For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subdivision (4) of subsection 14 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subdivision (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

(6) The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

(7) All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department of economic development are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names [and addresses], registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names [and addresses] of applicants for such licenses is not confidential information.

15. (1) The division of registration and examination, department of education, within chapter 161, RSMo, and others, is abolished and the following boards and commissions are transferred by specific type transfers to the division of professional registration, department of economic development: state board of accountancy, chapter 326, RSMo; state board of barber examiners, chapter 328, RSMo; state board of registration for architects, professional engineers and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331, RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334, RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry, chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri veterinary medical board chapter 340, RSMo. The governor shall appoint members of these boards by and with the advice and consent of the senate from nominees submitted by the director of the department.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor.

All clerical and other staff services relating to the issuance and renewal of licenses of the individual boards and commissions are abolished. All clerical and other staff services pertaining to collecting and accounting for moneys and to financial management relative to the issuance and renewal of licenses of the individual boards and commissions are abolished. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of economic development. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

(6) Each board or commission shall receive complaints concerning its licensees' business or professional practices. Each board or commission shall establish by rule a procedure for the handling of such complaints prior to the filing of formal complaints before the administrative hearing commission. The rule shall provide, at a minimum, for the logging of each complaint received, the recording of the licensee's name, the name of the complaining party, the date of the complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall provide for informing the complaining party of the progress of the investigation, the dismissal of the charges or the filing of a complaint before the administrative hearing commission.

16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo, and others, are transferred by type I transfer to the division of professional registration. The athletic commission is abolished.

17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type II transfer to the department of economic development, and the members of the council shall be appointed by the director of the department.

18. The Missouri housing development commission, chapter 215, RSMo, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

19. All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Job Development and Training", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

20. 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.

620.145. 1. The division of professional registration shall maintain, for each board in the division, a registry of each person holding a current license, permit or certificate issued by that board. The registry shall contain the name, Social Security number and address of each person licensed or registered together with other relevant information as determined by the board. The registry for each board shall at all times be available to the board and copies shall be

supplied to the board on request. Copies of the registry, except for the registrant's Social Security number **and address**, shall be available from the division or the board to any individual who pays the reasonable copying cost. Any individual may copy the registry during regular business hours. The information in the registry shall be furnished upon request to the division of child support enforcement. Questions concerning the currency of license of any individual shall be answered, without charge, by the appropriate board. Each year each board may publish, or cause to be published, a directory containing the name [and address] of each person licensed or registered for the current year together with any other information the board deems necessary. Any expense incurred by the state relating to such publication shall be charged to the board. An official copy of any such publication shall be filed with the director of the department of economic development.

2. Notwithstanding any provision of law to the contrary, each board shall require each person applying for a license, permit or certificate, or a renewal of a license, permit or certificate to furnish the board with the applicant's Social Security number."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Bearden, **House Amendment No. 13** was adopted.

Representative Campbell offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 84, Section 620.1450, Line 21, by inserting after all of said line the following:

“Section 1. In any city not within a county, or any county with a charter form of government, the owners of any major or minor league season tickets for any recreational events shall be granted a tax credit up to the amount of such tickets. The credit must be claimed in the same calendar year in which the costs are incurred. A claimant must supply a receipt showing such tickets have been paid for by the claimant.”

Representative Rizzo raised a point of order that **House Amendment No. 14** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Campbell moved that **House Amendment No. 14** be adopted.

Which motion was defeated.

Representative Riback Wilson (25) offered **House Amendment No. 15**.

Representative Rizzo raised a point of order that **House Amendment No. 15** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Franklin offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 86, Section 135.460, Line 8 of said page, by deleting the following: “**schools, including schools**” and inserting in lieu thereof the following: “**public schools, including public schools**”; and

Further amend said bill, Page 86, Section 135.460, Line 11 of said page, by inserting after the word “**initiatives**” the following:

“**. Any public school may reject any donation made pursuant to this subdivision, or subdivisions (4), (5) or (6) of this subsection**”; and

Further amend said bill, Page 86, Section 135.460, Line 13 of said page, by inserting after the word “**to**” the following: “**public**”; and

Further amend said bill, Page 86, Section 135.460, Line 15 of said page, by inserting after the word “**of**” the following: “**public**”; and

Further amend said bill, Page 86, Section 135.460, Line 22, by inserting at the end of said line the following: “**public**”; and

Further amend said bill, Page 87, Section 135.460, Line 4, by inserting after “**housing a**” the following “**public**”.

On motion of Representative Franklin, **House Amendment No. 15** was adopted.

Representative Byrd offered **House Amendment No. 16**.

Representative Rizzo raised a point of order that **House Amendment No. 16** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Rizzo, **HS HCS SCS SB 617, as amended**, was adopted.

On motion of Representative Rizzo, **HS HCS SCS SB 617, as amended**, was read the third time and passed by the following vote:

AYES: 141

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Curls	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Ford	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood

Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelly 144	Kelly 27	Kelly 36	Kennedy
Koller	Lawson	Legan	Liese	Lograsso
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Selby	Shelton	Shoemyer	Skaggs
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walton
Ward	Williams	Willoughby	Wilson 42	Wright
Mr. Speaker				

NOES: 009

Boatright	Cunningham	Franklin	Fraser	Green 73
Linton	Seigfreid	Smith	Wilson 25	

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 009

Baker	Barnitz	Harlan	Kelley 47	King
Levin	Shields	St. Onge	Wiggins	

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS SB 288, relating to regulated business procedures, was taken up by Representative Monaco.

Representative Monaco offered **HS HCS SB 288**.

Representative Monaco offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Section A, Page 4, Line 4, by inserting all the following immediately after said line:

“28.681. 1. Any statement, document or notice required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, except any document or judicial decree relating to his or her statutory or constitutional duties relating to elections, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice **filed with the secretary of state** be signed by any person shall be satisfied by an electronically transmitted **identification in a format prescribed by the secretary of state**. [signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data is changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.]

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated [digital signature] **identification in a format prescribed by the secretary of state**. The execution of any statement, document or notice [with a digital signature] pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice, or are otherwise required to file such statement, document or notice.

4. The secretary of state may promulgate rules pursuant to the provisions of Section 536.024, RSMo, to effectuate the provisions of this section.

[28.681. 1. Any statement, document or notice, except any document or judicial decree relating to the secretary of state's statutory or constitutional duties regarding elections, required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, may be filed, transmitted, stored and maintain in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need e submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice be signed by any person shall be satisfied by an electronically transmitted signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data are changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated digital signature. The execution of any statement, document or notice with a digital signature pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice or are otherwise required to file such statement, document or notice.]; and

Further amend said house substitute, Section 417.018, Page 271, Line 1, by inserting all the following immediately after said line:

“Section 1. The Secretary of State may adopt rules to authorize the electronic facsimile filing of any document filed with the Secretary under any provision administered by the Secretary. The rules may set forth standards for the acceptance of a form of signature other than the proper handwriting of a person. A signature or document filed by electronic facsimile in accordance with rules promulgated pursuant to this section shall be prima facie evidence for all purposes that the document actually was signed by the person whose signature appears on the facsimile.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Monaco, **House Amendment No. 1** was adopted.

Representative Lograsso offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Section 59.800, Page 11, Line 16, by deleting “**seven**” and inserting in lieu thereof “**five**”; and

Further amend said section, Page 11, Line 20, by deleting “**fifty**” and inserting in lieu thereof “**twenty-five**”; and

Further amend said section, Page 12, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“(2) **One dollar and seventy-five cents to the county general revenue fund; and**”; and

Further amend said section, Page 12, Lines 3-10, by deleting all of said lines; and

Further amend said section, Page 12, Line 11, by deleting all of said line and inserting in lieu thereof the following:

“(3) **Two dollars to the fund established in**”; and

Further amend said section, Page 12, Line 16, by deleting “(4)” and inserting in lieu thereof “(3)”; and

Further amend said section, Page 12, Line 20, by inserting “**or have heretofore elected**” after “**elect**”; and

Further amend said section, Page 12, Line 22, by deleting “(1), (2) and (3)” and inserting in lieu thereof “(1) and (2)”; and

Further amend said section, Page 12, Line 23, by deleting “**sixty**” and inserting in lieu thereof “**fifty-five**”; and

Further amend said section, Page 13, Line 3, by inserting “**or has heretofore elected**” after “**elects**”; and

Further amend said section, Page 13, Line 5, by deleting “**sixty**” and inserting in lieu thereof “**fifty-five**”; and

Further amend said section, Page 13, Line 6, by deleting “(1), (2) and (3)” and inserting in lieu thereof “(1) and (2)”; and

Further amend said house substitute, Section 400.9-525, Page 217, Line 18, by deleting “**five**” and inserting in lieu thereof “**twelve**”; and

Further amend said section, Page 217, Line 20, by deleting “**rule**,” and inserting in lieu thereof the following:

“**rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees’ retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;**”; and

Further amend said section, Page 218, Line 4, by deleting “**five**” and inserting in lieu thereof “**twelve**”; and

Further amend said section, Page 218, Line 6, by deleting “**rule;**” and inserting in lieu thereof the following:

“rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees’ retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;”; and

Further amend said section, Page 218, Line 16, by deleting “**fifteen**” and inserting in lieu thereof “**twenty-two**”; and

Further amend said section, Page 218, Line 18, by deleting “**rule;**” and inserting in lieu thereof the following:

“rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees’ retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;”; and

Further amend said section, Page 219, Line 3, by inserting all the following immediately after said line:

“(f) The secretary of state shall administer a special trust fund, which is hereby established, to be known as the “Uniform Commercial Code Transition Fee Trust Fund”, and which shall be funded by seven dollars of each of the fees received and collected pursuant to subdivisions (a), (b) and (c) of this section on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo. or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees’ retirement fund.

(1) The secretary of state shall keep accurate record of the moneys in the uniform commercial code transition fee trust fund allocated to each county and city not within a county on the basis of where such record, financing statement or other document would have been filed prior to the effective date of this act, and shall distribute the moneys pursuant to subdivision (2) of this subsection on that basis.

(2) The moneys in the uniform commercial code transition fee trust fund shall be distributed to the county employees retirement fund established pursuant to section 50.1010, RSMo. or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees’ retirement fund.

(3) The moneys in the uniform commercial code transition fee trust fund shall not be deemed to be state funds, provided, however that interest, if any, earned by the money in the trust fund shall be deposited into the general revenue fund in the state treasury.”; and

Further amend said house substitute, Section 400.9-710, Page 270, Lines 5-6, by deleting “**June 30, 2001**” and inserting in lieu thereof “**the effective date of this act**”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Lograsso, **House Amendment No. 2** was adopted.

Representative Merideth offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Page 5, Section 59.042, Line 20, by deleting the number “**1.**”; and

Further amend said bill, Page 6, Section 59.042, Lines 1 through 19, by deleting all of said lines; and

Further amend said bill, Page 6, Section 59.043, Line 22, by inserting between the words “the” and “November” the word “**next**”; and

Further amend said line by placing an opening bracket in front of the word “**following**”; and

Further amend said bill, Page 7, Section 59.043, Line 1, by placing a closing bracket after the word “**clerk**”.

Representative Smith offered **House Substitute Amendment No. 1 for House Amendment No. 3**.

Representative Lograsso raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 3** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Smith raised a point of order that **House Amendment No. 3** amends previously amended material.

The Chair ruled the point of order untimely.

On motion of Representative Merideth, **House Amendment No. 3** was adopted by the following vote:

AYES: 149

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Behnen	Berkowitz	Berkstresser	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 27	Kelly 36	Kennedy	Koller
Lawson	Legan	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs

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Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 001

Bearden

ABSENT WITH LEAVE: 010

Baker	Barnitz	Green 73	Hosmer	Kelley 47
King	Levin	Liese	Ostmann	Wiggins

VACANCIES: 003

Representative Clayton offered House Amendment No. 4.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Section 347.740, Pages 13-14, by deleting said section from the substitute; and

Further amend said house substitute, Section 351.127, Page 15, by deleting said section from the substitute; and

Further amend said house substitute, Sections 355.023, 356.233 and 359.653, Page 29, by deleting said sections from the substitute; and

Further amend said house substitute, Section 400.9-118, Page 113, by deleting said section from the substitute; and

Further amend said house substitute, Section 417.018, Pages 270-271, by deleting said section from the substitute; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Seigfreid offered House Substitute Amendment No. 1 for House Amendment No. 4.

House Substitute Amendment No. 1 for House Amendment No. 4. was withdrawn.

Representative Clayton moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 30

Abel	Barry 100	Bray 84	Clayton	Copenhaver
Crump	Foley	Fraser	George	Green 73
Hagan-Harrell	Harding	Haywood	Hollingsworth	Johnson 90
Jolly	Kelly 27	Kelly 36	Mays 50	O'Toole

Relford Rizzo Roark Scheve Selby
Shelton Smith Thompson Wilson 25 Wilson 42

NOES: 116

Ballard Barnett Bartelsmeyer Bartle Bearden
Behnen Berkowitz Berkstresser Black Bland
Boatright Bonner Boucher Bowman Boykins
Brooks Burcham Burton Byrd Campbell
Carnahan Champion Cierpiot Coleman Cooper
Crawford Crowell Cunningham Curls Davis
Dempsey Enz Fares Farnen Ford
Froelker Gambaro Gaskill Graham Gratz
Green 15 Griesheimer Hampton Hanaway Hartzler
Hegeman Henderson Hendrickson Hilgemann Holand
Holt Hoppe Hunter Jetton Johnson 61
Kelly 144 Kennedy Koller Lawson Legan
Liese Linton Lograsso Long Lowe
Luetkemeyer Luetkenhaus Marble Marsh May 149
Mayer McKenna Merideth Miller Monaco
Moore Murphy Myers Naeger Nordwald
O'Connor Ostmann Overschmidt Phillips Portwood
Purgason Ransdall Rector Reid Reinhart
Reynolds Richardson Ridgeway Robirds Ross
Schwab Scott Secrest Seigfreid Shields
Shoemyer Skaggs St. Onge Surface Townley
Treadway Troupe Van Zandt Villa Vogel
Wagner Walton Ward Willoughby Wright
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 014

Baker Barnitz Britt Dolan Franklin
Harlan Hickey Hohulin Hosmer Kelley 47
King Levin Wiggins Williams

VACANCIES: 003

Representative Villa offered House Amendment No. 5.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Page 271, Section 417.018, Line 1, by inserting after all of said line the following:

"488.449. 1. The circuit judges of the circuit court in any city not within a county shall require each defendant party filing an answer in a circuit civil case in the circuit court, excluding cases filed pursuant to chapter 452, RSMo, to pay a surcharge in the amount of one hundred dollars to the circuit clerk within three months from the date of filing an answer, and a defendant's failure to pay such surcharge may result in that defendant's answer being stricken from the case record. This section shall not apply to proceedings when costs are waived or paid by the state, county or municipality.

2. Any funds collected pursuant to subsection 1 of this section may be expended at the circuit clerk's discretion to employ people to perform work within the circuit clerk's office. Such employees shall be employees of the circuit clerk. The terms of employment for such employees shall be at the sole discretion of the circuit clerk, who shall be solely responsible for payment of any and all payroll taxes.

3. The balance of funds receipted that are not budgeted for use, if any, shall be paid into the general revenue fund of the county in which the circuit court sits.

4. For the purposes of this section the term "defendant", shall be defined as any person named as a defendant in a lawsuit, except that defendants who are lawfully married at the time of filing of the answer, employees of another party named as a defendant and any subsidiary of another party named as a defendant shall be considered as one defendant.

5. The provisions of this section shall expire August 27, 2004."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Lograsso raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Villa moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 013

Bowman	Boykins	Bray 84	Carnahan	Coleman
Gambaro	Haywood	Hilgemann	Johnson 61	Kennedy
Shelton	Villa	Walton		

NOES: 137

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Boards	Boatright	Bonner	Britt
Burcham	Burton	Campbell	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Ford	Franklin	Fraser	Froelker	Gaskill
George	Graham	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Hegeman	Henderson	Hendrickson	Hickey
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hunter	Jetton	Johnson 90	Jolly	Kelly 144
Kelly 27	Kelly 36	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secret
Seigfreid	Selby	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Vogel	Wagner
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

PRESENT: 002

Brooks Byrd

ABSENT WITH LEAVE: 008

Baker Barnitz Boucher Green 73 Hosmer
Kelley 47 King Wiggins

VACANCIES: 003

Representative Byrd offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Page 271, Line 1, by adding a new section after said line as follows:

“431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire or otherwise interfere with the employment of one or more employees shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031, RSMo, if:

(1) Between two or more corporations or other business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each corporation or business entity) during, and for a reasonable period following, negotiations between such corporations or entities for the acquisition of all or a part of one or more of such corporations or entities;

(2) Between two or more corporations or business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential or trade secret business information shared or to be shared between or among such corporations or entities;

(3) Between an employer and one or more employees seeking on the part of the employer to protect:

(a) Confidential or trade secret business information; or

(b) Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the employer; or

(4) Between an employer and one or more employees, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than one year following the employee's employment; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services.

2. Whether a covenant covered by this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its post-employment duration is no more than one year.

3. Nothing in this subdivision (3) or (4) of subsection 1 of this section is intended to create, or to affect the validity or enforceability of, employer-employee covenants not to compete.

4. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, where such covenant is reasonably necessary to protect a party's legally permissible business interests.

5. This section shall have retrospective as well as prospective effect.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Johnson (90) offered **House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Substitute Amendment No. 1
for
House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Page 271, Line 1, by adding a new section after said line as follows:

“431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire or otherwise interfere with the employment of one or more employees shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031, RSMo, if:

(1) Between two or more corporations or other business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each corporation or business entity) during, and for a reasonable period following, negotiations between such corporations or entities for the acquisition of all or a part of one or more of such corporations or entities;

(2) Between two or more corporations or business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential or trade secret business information shared or to be shared between or among such corporations or entities;

(3) Between an employer and one or more employees seeking on the part of the employer to protect:

(a) Confidential or trade secret business information; or

(b) Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the employer; or

(4) Between an employer and one or more employees, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than one year following the employee's employment; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services.

2. Whether a covenant covered by this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its post-employment duration is no more than one year.

3. Nothing in this subdivision (3) or (4) of subsection 1 of this section is intended to create, or to affect the validity or enforceability of, employer-employee covenants not to compete.

4. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, where such covenant is reasonably necessary to protect a party's legally permissible business interests.

5. Nothing in this section shall be construed to limit an employee's ability to seek or accept employment with another employer immediately upon, or at any time subsequent to, termination of employment, whether said termination was voluntary or non-voluntary.

6. This section shall have retrospective as well as prospective effect.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Johnson (90), **House Substitute Amendment No. 1 for House Amendment No. 6** was adopted.

Representative Clayton offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Bill No. 288, Section 59.041, Page 5, Line 12, by inserting **“1.”** before **“Notwithstanding”**; and

Further amend said section, Page 5, Line 19, by inserting all of the following immediately after said line:

“2. Notwithstanding the provisions of this chapter or chapter 478, RSMo., or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than 27,600 but less than 28,600 and wherein the offices of the District I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the District I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of District I clerk of the circuit court shall remain appointed by the circuit court.”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Clayton, **House Amendment No. 7** was adopted.

Representative Clayton offered **House Amendment No. 8**.

Representative Monaco raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Monaco, **HS HCS SB 288, as amended**, was adopted.

On motion of Representative Monaco, **HS HCS SB 288, as amended**, was read the third time and passed by the following vote:

AYES: 147

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkstresser	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Hollingsworth
Holt	Hoppe	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelly 144	Kelly 36	Kennedy
Koller	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby

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Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Berkowitz

PRESENT: 000

ABSENT WITH LEAVE: 012

Baker	Barnitz	Franklin	Green 73	Harlan
Holand	Hosmer	Kelley 47	Kelly 27	King
Ward	Wiggins			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelly 144	Kelly 36	Kennedy	Koller
Lawson	Legan	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Barnitz	Franklin	Hosmer	Kelley 47
Kelly 27	King	Levin	Long	Ward
Wiggins				

VACANCIES: 003

HCS SB 365, relating to tourism, was taken up by Representative Overschmidt.

Representative Overschmidt offered **HS HCS SB 365**.

Representative Overschmidt offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 365, Page 67, Section 311.178, Line 24 of said page, by deleting all of said line and inserting in lieu thereof the following: "**the following day.**"; and

Further amend said bill, Page 68, Section 311.178, Lines 1 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**The time of opening on Sunday may be 11:00 a.m.**"; and

Further amend said bill, Page 68, Section 311.178, Line 13 of said page, by deleting all of said line and inserting in lieu thereof the following: "**equals one hundred thousand dollars or more; and**"; and

Further amend said bill Page 68, Section 311.178, Line 18 of said page, by deleting all of said line and inserting in lieu thereof the following:

"**meeting space and having a restaurant located on the premises.**

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort." and renumber remaining subsections accordingly; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Koller offered **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 Bill No. 365, Page 67, Section 311.178, Line 24 of said page, by deleting all of said line and inserting in lieu thereof the following: "**the following day.**"; and

Further amend said bill, Page 68, Section 311.178, Lines 1 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**The time of opening on Sunday may be 11:00 a.m.**"; and

Further amend said bill, Page 68, Section 311.178, Line 13 of said page, by deleting all of said line and inserting in lieu thereof the following: "**equals one hundred thousand dollars or more**"; and

Further amend said bill, Page 68, Section 311.178, Line 18 of said page, by deleting all of said line and inserting in lieu thereof the following:

"**meeting space and having a restaurant located on the premises; and**

(3) **The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of liquor control and shall provide a practical method for the division of liquor control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.**

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort."; and renumber subsections accordingly; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Koller, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Overschmidt offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 365, Page 10, Section 67.576, Line 9, by deleting from said line the number "**144.510**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 10, Section 67.576, Line 15, by deleting from said line the number "**144.510**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 10, Section 67.576, Line 19, by deleting from said line the number "**144.510**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 11, Section 67.576, Line 8, by deleting from said line the number "**144.510**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 11, Section 67.576, Line 23, by deleting from said line the number "**144.510**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Overschmidt, **House Amendment No. 2** was adopted.

Representative Williams offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 365, Page 3, Section A, Line 1, by inserting after all of said line the following:

"26.730. 1. There is hereby established within the office of the lieutenant governor a "Missouri Multicultural Center and Program", which shall serve as an all-purpose all-encompassing resource for local political subdivisions and government agencies, including but not limited to counties, municipalities, judicial circuits, law enforcement agencies, school districts, public health agencies or any other political subdivisions or local government agencies, state governmental agencies, nongovernmental community agencies, businesses, advocacy groups, immigrants, refugees and international tourists in this state. The center and program, as directed by the multicultural citizens' advisory committee, may develop outreach materials, in various formats, and shall serve as a communications link to direct persons to where materials are available, which describe the resources, opportunities, informational sites or other informational sources that the committee determines would be of assistance to the entities listed in this subsection. The materials and links described in this subsection shall, at minimum, be made available in electronic format, or in any other form the committee deems appropriate. The center and program may contract, subject to approval by the office of administration, for the provision of the information and services described in this subsection with any higher educational facility in the state or any other outside source it deems capable of adequately providing such services and information.

2. There is hereby established within the office of the lieutenant governor a "Multicultural Citizens' Advisory Committee", which shall develop and implement, or facilitate the development and implementation of, the program authorized pursuant to subsection 1 of this section. The committee shall consist of twenty-five members, to be appointed as follows:

(1) Five persons employed by state executive departments, one from each of the following five departments, to be designated by the director of the appropriate department: elementary and secondary education, social services, health, economic development and public safety;

(2) Four members of the general assembly, as follows:

(a) Two members of the house of representatives appointed by the speaker of the house of representatives, one from each major political party; and

(b) Two members of the senate appointed by the president pro tem of the senate, one from each major political party;

(3) Fifteen citizens of this state who work directly with the multicultural population of this state, appointed by the lieutenant governor; and

(4) The lieutenant governor, who shall serve as an ex officio member of the committee.

3. The initial members of the committee shall be appointed between September 1, 2001, and December 31, 2001. Beginning January 1, 2002, all appointees shall become members of the committee, and the lieutenant governor shall cause the committee to meet no later than sixty days after that date. Upon the first meeting constituting a quorum of the committee, the committee shall select one of its members as chair. The chair shall serve as chair for two years, and the committee may reappoint the chair for an additional term or select a new chair at the expiration of such term. The committee shall meet on a regular basis until the program described in this section has been developed, and then the committee shall meet only as needed. The members of the committee shall serve four-year terms, except that the first term of the following members shall be for two years:

(1) The members appointed by the department of economic development and the department of public safety;

(2) One member appointed by the speaker of the house of representatives and one member appointed by the president pro tem of the senate, as selected by the speaker and the president pro tem prior to the appointment of the committee member;

(3) Eight members appointed by the governor, as selected by the governor prior to the appointment of the committee member.

4. Vacancies on the committee shall be filled as soon as is practicable by the person charged with the appointment of the person who vacated the position. Members of the committee shall not be compensated for their duties as members, but shall receive reimbursement for all actual and necessary expenses incurred in the course of performing such duties, provided that the lieutenant governor shall not receive such expenses.

5. The committee shall submit to the lieutenant governor a list of three names, one of which the lieutenant governor shall employ as an executive director, who shall serve as the executive officer of the committee. As a priority, the director shall have a background and knowledge of the experiences and transition faced by individuals with multicultural backgrounds moving to Missouri and international tourists visiting in Missouri. The salary and office space for the executive director, as well as the expenses for committee hearings, shall be provided by the office of the lieutenant governor."; and

Further amend said bill, Page 58, Section 311.178, Line 58, by inserting after all of said section the following:

"Section B. Because immediate action is necessary to provide full, meaningful and expedited access for immigrants and refugees to the public services of this state, section 26.730 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 26.730 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Williams, **House Amendment No. 3** was adopted.

Representative Bray offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 365, Page 59, Section 135.200, Line 9, by inserting after all of said line the following:

"311.094. 1. Notwithstanding any other provisions of this chapter to the contrary, 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, between the hours of 11:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any establishment located in an international airport and owned or leased, and operated by an airline.

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 an international airport license 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, an international airport shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Bray, **House Amendment No. 4** was adopted.

Representative Dolan offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Bill No. 365, Page 70, by inserting the following in the appropriate place:

"644.038. Where applicable, pursuant to Section 404 of the Federal Clean Water Act, and where the United States Army Corps of Engineers has determined that a nationwide permit may be utilized for the construction of highways and bridges located in a city, county, or on state lands."; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Dolan moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Hanaway offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Bill No. 365, Page 1, In the Title, Line 27 of said page, by inserting after the word "tourism" the following: ", with an effective date for a certain section"; and

Further amend said bill, Page 63, Section 135.200, Line 12 of said page, by inserting after all of said line the following:

"137.102. 1. This section shall be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms mean:

(1) "Homestead", the owner's principal residence and the adjacent real property not to exceed five acres of land as is reasonably necessary for use of the residence as a dwelling home; and

(2) "Owner", a person who holds possession and unconditional fee simple title in the subject residential property, whether individually, or as one or more tenants by the entireties, joint tenants, or tenants in common, and who declared ownership of the property on each of the five immediately preceding annual property declaration statements, and who actually paid the five immediately preceding annual property tax assessments.

3. Beginning in any tax year which begins on or after January 1, 2002, the assessed value of property in class 1, excluding any value added by new construction or improvements, owned by any owner who is sixty-five years of age or older and who has used that property as a homestead for a period of five years or longer shall not increase during the period of time that owner resides on that property after attaining the age of sixty-five years."; and

Further amend said bill, Page 70, Section 1, Line 5 of said page, by inserting after all of said line the following:

"Section B. The enactment of section 137.102 of section A of this act shall become effective January 1, 2002, and shall apply to all taxable years beginning after December 31, 2001."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hanaway, **House Amendment No. 6** was adopted by the following vote:

AYES: 146

Abel	Barnett	Barry 100	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Bland
Boatright	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelly 144	Kelly 36	Kennedy

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Koller	Lawson	Legan	Levin	Liese
Linton	Lograsso	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Baker	Ballard	Barnitz	Black	Franklin
Green 73	Harlan	Hartzler	Kelley 47	Kelly 27
King	Long	Lowe	Relford	

VACANCIES: 003

Representative Byrd offered **House Amendment No. 7**.

Representative Overschmidt raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Overschmidt, **HS HCS SB 365, as amended**, was adopted.

On motion of Representative Overschmidt, **HS HCS SB 365, as amended**, was read the third time and passed by the following vote:

AYES: 148

Abel	Baker	Ballard	Barnett	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Fares	Farnen
Foley	Ford	Franklin	Fraser	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin

Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 27	Kelly 36	Kennedy	Koller
Lawson	Legan	Levin	Liese	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Richardson
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 001

Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnitz	Boucher	Cierpiot	Enz	Froelker
Kelley 47	King	Linton	Long	Ridgeway
Wiggins				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS SB 275, relating to the hearing impaired, was taken up by Representative Levin.

Representative Crump offered **HS HCS SB 275**.

Representative Froelker offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 275, Page 22, Section 306.112, Line 4, by deleting the following: "second violation" and inserting in lieu thereof the following:

"[section violation] **first subsequent violation occurring within five years of the occurrence that resulted in the first conviction**"; and

Further amend said bill, Page 22, Section 306.112, Lines 5 and 6, by deleting the following: "third and subsequent violations" and inserting in lieu thereof the following:

"[third and subsequent violations] **second or any subsequent violation occurring within ten years of the occurrence that resulted in the first conviction**".

On motion of Representative Froelker, **House Amendment No. 1** was adopted.

Speaker Kreider resumed the Chair.

Representative Levin offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 275, Page 1, Section 209.251, by deleting all of said section; and

Further amend title and enacting clause accordingly.

On motion of Representative Levin, **House Amendment No. 2** was adopted.

Representative Levin offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 275, Page 4, Section 302.174, Line 10, by deleting the word "a" before the word "deaf" and deleting the word "is" after the word "or"; and

Further amend said bill, Page 2, Section 302.174, Line 10, by deleting the word "who" and inserting in lieu thereof the word "and"; and

Further amend said title, enacting clause and intersectional references accordingly.

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Levin, **House Amendment No. 3** was adopted.

Representative Campbell offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 275, Page 21, Section 302.541, Line 14, by inserting after all of said line the following:

“304.145. 1. No person shall operate any hand-held wireless telephone or telecommunications device, except citizens band radio devices technically limited to transmit and receive frequency of between 26.985 megahertz and 27.405 megahertz, while operating any moving motor vehicle, unless such telephone or device is used with a hands-free feature that leaves both the operator’s hands available to operate the motor vehicle. This section shall not apply to emergency personnel in the course of performing their duties, nor shall it apply to any individual dialing 911 or any other law enforcement or medical assistance number.

2. The general assembly hereby occupies and preempts the entire field of legislation touching in any way on the regulation of the use of hand-held wireless telephone or telecommunications devices by operators of moving motor vehicles, except radio devices, and except insofar as the state is preempted by federal law, 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.

3. Any person who violates the provisions of subsection 1 of this section is guilty of a class B misdemeanor, unless an accident is involved, in which case the person shall be guilty of a class A misdemeanor. Section B. The provisions of section A of this act shall become effective August 28, 2004.”

Representative Gratz raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Speaker Kreider resumed the Chair.

Representative Shields offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

House Substitute Amendment No. 1 for House Amendment No. 4 was withdrawn.

Representative Graham offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1
for
House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 275, Page 21, Section 302.541, Line 14, by inserting after all of said line the following:

“304.145. 1. No person shall have sexual relations while such telephone or device is used with a hands-free feature that leaves both the operator’s hands available to operate the motor vehicle. This section shall not apply to emergency personnel in the course of performing their duties, nor shall it apply to any individual dialing 911 or any other law enforcement or medical assistance number.

2. The general assembly hereby occupies and preempts the entire field of legislation touching in any way on the regulation of the use of hand-held wireless telephone or telecommunications devices by operators of moving motor vehicles, except radio devices, and except insofar as the state is preempted by federal law, 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.

3. Any person who violates the provisions of subsection 1 of this section is guilty of an infraction, unless an accident is involved, in which case the person shall be guilty of a class A misdemeanor.

Section B. The provisions of section A of this act shall become effective August 28, 2004.”.

Representative Graham moved that **House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Froelker offered **House Substitute Amendment No. 2 for House Amendment No. 4**.

*House Substitute Amendment No. 2
for
House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 275, Page 21, Section 302.541, Line 14, by inserting after all of said line the following:

“304.145. 1. No person shall operate any hand-held wireless telephone or telecommunications device, except citizens band radio devices technically limited to transmit and receive frequency of between 26.985 megahertz and 27.405 megahertz, while operating any moving motor vehicle, unless such telephone or device is used with a hands-free feature that leaves both the operator’s hands available to operate the motor vehicle. This section shall not apply to emergency personnel in the course of performing their duties, nor shall it apply to any individual dialing 911 or any other law enforcement or medical assistance number.

2. The general assembly hereby occupies and preempts the entire field of legislation touching in any way on the regulation of the use of hand-held wireless telephone or telecommunications devices by operators of moving motor vehicles, except radio devices, and except insofar as the state is preempted by federal law, 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.

3. Any person who violates the provisions of subsection 1 of this section is guilty of an infraction, unless an accident is involved, in which case the person shall be guilty of a class A misdemeanor.

Section B. The provisions of section A of this act shall become effective August 28, 2004.”.

HCS SB 275, with House Substitute Amendment No. 2 for House Amendment No. 4, House Amendment No. 4 and HS, as amended, pending, was laid over.

BILLS CARRYING REQUEST MESSAGES

HS SCS SB 393, as amended, relating to gratuitous dental services, was taken up by Representative Treadway.

Representative Treadway moved that the House refuse to recede from its position on **HS SCS SB 393, as amended**, and grant the Senate a conference.

Which motion was adopted.

HS HCS SCS SB 266, as amended, relating to Department of Health programs, was taken up by Representative Barry.

Representative Barry moved that the House refuse to recede from its position on **HS HCS SCS SB 266, as amended**, and grant the Senate a conference.

Which motion was adopted.

HS HCS SS SCS SB 48, as amended, relating to dependent care, was taken up by Representative Hollingsworth.

Representative Hollingsworth moved that the House refuse to recede from its position on **HS HCS SS SCS SB 48, as amended**, and grant the Senate a conference.

Which motion was adopted.

BILL IN CONFERENCE

CCR HCS SB 462, as amended, relating to agriculture, was taken up by Representative Legan.

On motion of Representative Legan, **CCR HCS SB 462, as amended**, was adopted by the following vote:

AYES: 150

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelly 144	Kelly 27	Kelly 36
Koller	Lawson	Legan	Levin	Liese
Linton	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Baker	Barnitz	Harlan	Kelley 47	Kennedy
King	Lograsso	Long	Wagner	Wright

VACANCIES: 003

On motion of Representative Legan, **CCS HCS SB 462** was truly agreed to and finally passed by the following vote:

AYES: 148

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks

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Burcham	Burton	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 27	Kelly 36	Koller	Lawson
Legan	Levin	Liese	Linton	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Wiggins	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Baker	Barnitz	Byrd	Harlan	Hunter
Kelley 47	Kennedy	King	Lograsso	Long
Lowe	Wagner			

VACANCIES: 003

Speaker Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

Abel	Ballard	Barnett	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman

Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 27	Kelly 36	Koller	Lawson
Legan	Levin	Liese	Linton	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Barnitz	Barry 100	Franklin	Harlan
Kelley 47	Kennedy	King	Lograsso	Long
Wagner				

VACANCIES: 003

THIRD READING OF SENATE BILLS - INFORMAL

HCS SS SCS SB 226, relating to the life sciences research program, was taken up by Representative Foley.

Representative Foley offered **HS HCS SS SCS SB 226**.

Representative Foley offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 3, Section 192.1010, Line 7, by inserting after the word “safety” the following: “**and human**”; and

Further amend said bill, Page 3, Line 17, by deleting the words “this program” and inserting in lieu thereof the words “**the grant**”; and

Further amend said bill, Page 3, Lines 20 and 21, by deleting “The department of health shall not approve”; and

Further amend said bill, Line 21, by inserting after the word “award” the following: “**shall not be approved**”; and

Further amend said bill, Page 4, Line 11, by inserting at the end of said line the following:

“At least eighty percent of the funds that are appropriated to the board in each fiscal year shall be distributed to the institutions or organizations whose programs and proposals have been recommended by a center for excellence. Collectively, the institutions or organizations within a single center for excellence shall receive in any one fiscal year no more than fifty percent of the funds appropriated to the board for that fiscal year. Collectively, the institutions or organizations within a single center for excellence shall receive in any one fiscal year no less than ten percent of the funds appropriated to the board for that fiscal year. No single institution or organization shall receive in any consecutive fiscal three-year period more than forty percent of the funds appropriated to the board during such three-year period. In a fiscal year no more than 10% of the funds may be used for physical facilities.”; and

Further amend said bill, Section 192.1012, Page 5, Line 7, by deleting the word “may” and inserting in lieu thereof the word “**shall**”, and on same line by deleting the word “if” and inserting in lieu thereof the word “**when**”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Foley, **House Amendment No. 1** was adopted.

Representative Graham offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 8, Section 192.1010, Line 21, by inserting immediately after said line the following:

“9. Notwithstanding any provision of Sections 192.1010 to 192.1035 to the contrary, moneys granted by the life sciences research board shall not be used for performing, assisting with, or referring for abortions, or encouraging or counseling patients to have abortions.”; and

Further amend current subsection 9 of said section by renumbering said subsection accordingly.

Representative Liese offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

House Substitute Amendment No. 1

for

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 9, Section 192.1025, Line 17 of said page, by inserting after all of said line the following:

"192.1035. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted or used to subsidize in whole or in part:

- (1) Abortion services; or**
- (2) Development of drugs or chemicals intended to be used to induce an abortion; or**
- (3) Human cloning; or**
- (4) Prohibited human research.**

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

- (1) "Abortion services", performing or inducing, assisting in performing or inducing, or referring a woman for an abortion, except when necessary to save the life of the mother;**
- (2) "Child", if in vivo, the same as an unborn child as defined in section 188.015, RSMo, and if in vitro,**

a human being at any of the stages of biological development of an unborn child from conception or inception onward;

(3) "Conception", the same as defined in section 188.015, RSMo;

(4) "Facilities and administrative costs", those costs that are incurred for common or joint objectives and therefor cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) "Grant awards", awards of state funds pursuant to sections 192.1010 to 192.1035;

(6) "Human cloning", the replication of a human being genetically identical to another human being;

(7) "Prohibited human research", research in a proposed research project in which there is the taking or utilization of the organs, tissue or cellular material of a:

(a) Deceased child, unless consent is given in the manner provided in sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent cause the death of such child or consented to another person causing the death of such child;

(b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(8) "Research project", research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1035, regardless of whether the research is funded in whole or part by such grant award. Such research shall include basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and development research and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety.

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1035 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, development of drugs or chemicals intended to be used to induce an abortion, human cloning or prohibited human research. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1035; provided, however, the research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of sections 192.1010 to 192.1035. The life sciences research board shall not approve a grant award unless the board makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1035. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The board shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.

5. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, members of the board, and the officers and employees of the department and the board in any circuit court with jurisdiction to enforce the provisions of this section.

6. Sections 192.1010 to 192.1035 shall not be construed to permit or make lawful any conduct that is otherwise unlawful pursuant to the laws of this state.

7. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of this section are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of this section is found to be invalid, unenforceable or unconstitutional, all of the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Liese, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

Representative Hanaway offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 9, Section 192.1025, Line 17 of said page, by inserting after all of said line the following:

“196.1075. 1. As used in sections 196.1075 to 196.1105, the following terms mean:

(1) "Account", an account within the health care trust fund created in subsection 2 of this section;
(2) "Health care trust fund", the fund created in subsection 2 of this section;
(3) "MSA", the master settlement agreement entered into on November 23, 1998, as amended, in the tobacco case;

(4) "Tobacco case", the case of State of Missouri ex rel. Jeremiah W. (Jay) Nixon, Attorney General v. The American Tobacco Company, Inc., et al., case number 972-1465, filed in the circuit court of the City of St. Louis, state of Missouri;

(5) "Tobacco claim", any claim of the state of Missouri for conduct, acts or omissions arising out of or in any way related, in whole or in part, to the use, sale, distribution, manufacture, development, advertising, marketing or health affects of tobacco products; the exposure to tobacco products; or research, statements or warnings regarding the potential adverse affects of tobacco use, including those asserted in the tobacco case and any claims of the same or similar nature against any person or entity, including but not limited to the defendants in the tobacco case, provided that a claim of the state of Missouri for taxes or licensure fees shall not be considered a tobacco claim;

(6) "Tobacco claim payment", any moneys or proceeds of any moneys, including interest thereon, paid into the state treasury as a result of a tobacco claim, including but not limited to a payment to the state of Missouri pursuant to the MSA or any other tobacco claim settlement, award or judgment. Tobacco claim payment shall include any moneys paid into the state treasury that results in a direct offset or reduction of moneys received into the state treasury pursuant to the MSA or any other tobacco claim settlement, award or judgment.

2. The first one hundred twenty-five million dollars of tobacco claim payments shall be deposited in an endowment fund to be known as the "Fund for Missouri's Future" and shall not be subject to appropriation without a two-thirds vote of the members elected to each house of the general assembly as authorized by a concurrent resolution. The state treasurer shall invest moneys in the fund in the same manner as surplus funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of the moneys in the fund for Missouri's future shall be credited to such fund until the corpus of the fund reaches one billion dollars. Any tobacco claim payments received by the state after the initial one hundred twenty-five million dollars is deposited in the fund for Missouri's future and any earnings resulting from the investment of the moneys in the fund after the corpus of the fund reaches one billion dollars shall be deposited into a special trust fund to be known as the "Health Care Trust Fund" and shall be allocated by the state treasurer into separate accounts within the health care trust fund in accordance with sections 196.1075 to 196.1105 and shall be subject to appropriation for smoking prevention and cessation, early childhood care and education, prescription drug coverage and health care, and life sciences and medical research.

3. No moneys shall be withdrawn from the health care trust fund or any account of such fund except by an appropriation for the purpose and use authorized for such fund and any applicable account. No obligation for payment of moneys so appropriated from the health care trust fund and any applicable account of such fund shall be incurred and paid unless the commissioner of the office of administration certifies it for payment and further certifies that:

(1) The moneys were properly allocated to the health care trust fund and any applicable account by the state treasurer;

(2) The expenditure is within the purpose and use required for the health care trust fund and any applicable account;

(3) The expenditure is within any more specific purpose or use lawfully contained within the appropriation made by the general assembly; and

(4) There is an appropriation of an unencumbered balance within the health care trust fund and any applicable account sufficient to pay it.

At the time of issuance, each certification shall be entered on the general accounting books as an encumbrance on the appropriation.

196.1078. 1. The state treasurer shall allocate tobacco claim payments credited to the health care trust fund as follows:

(1) Fifty-five percent of such moneys shall be placed into the prescription drug coverage and health care treatment and access account created in subsection 1 of section 196.1081;

(2) Ten percent of such moneys shall be placed into the tobacco prevention, education and cessation account created in section 196.1084;

(3) Fifteen percent of such moneys shall be placed into the early childhood care and education account created in section 196.1087;

(4) Twenty percent of such moneys shall be placed into the life sciences and medical research account created in section 196.1090.

2. All moneys in the health care trust fund shall be appropriated by the general assembly in a separate appropriations bill.

196.1081. The "Prescription Drug Coverage and Health Care Treatment and Access Account" is hereby created within the health care trust fund. Appropriations made by the general assembly from the health care treatment and access account, shall be used and expended solely for prescription drug coverage and health care.

196.1084. The "Tobacco Prevention, Education and Cessation Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for tobacco prevention, education and/or cessation, including but not limited to programs to prevent tobacco usage by minors, to prevent or reduce tobacco usage generally, and to prevent tobacco addiction.

196.1087. The "Early Childhood Care and Education Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for early childhood care and/or education, including but not limited to community grants. Appropriations made by the general assembly from the account shall be used and expended solely for the purpose provided in this section.

196.1090. The "Life Sciences and Medical Research Account" is hereby created within the health care trust fund and shall be used and expended solely for life sciences and medical research purposes.

196.1096. The commissioner of administration shall establish such books of account as are necessary to account for the proceeds of any tobacco claim payments made to the state of Missouri and interest thereon and shall make or refuse to make such certifications as are necessary to ensure that these funds are allocated, used and expended only for the purposes and in the proportions set forth in sections 196.1075 to 196.1105.

196.1099. Moneys which are appropriated from the health care trust fund for the purposes provided in sections 196.1075 to 196.1105 shall constitute additional amounts over and above any moneys that are appropriated for such purposes from general revenue as of July 1, 2000. The state shall not reduce the level of funding that was in effect on July 1, 2000, for such a purpose from general revenue sources because of the appropriation of moneys for such purpose from the health care trust fund.

196.1102. Any moneys received by the state as a result of the tobacco settlement agreement together with interest and earnings thereon shall not be classified as "total state revenues" as defined in sections 17 and 18 of article X of the Missouri Constitution and the expenditure of such moneys shall not be an "expense of state government" pursuant to section 20 of article X of the Missouri Constitution.

196.1105. Any funds received by the state as a result of any legal settlement or award which is not by statute dedicated to a specific fund or program shall be subject to appropriation by the general assembly for programs related to health care and education."; and

Further amend said bill, Page 10, Section 1, Line 13 of said page, by inserting after all of said line the following:

"Section B. Section A of this act is hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the Tuesday immediately following the first Monday in November, 2001, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petition, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

Section C. The official summary statement for the proposed referendum measure of this act shall read as follows:

‘Authorizes deposit of tobacco settlement moneys into funds for use in smoking prevention, health care and prescription drug coverage for seniors, life sciences and medical research, early childhood care and education, and an endowment fund which would not be subject to the constitutional limit on state spending. Defeat of the referendum measure would not create the funds and the moneys shall be credited to general revenue for appropriation by the general assembly.’”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Scheve offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 1, Section 192.1010, Lines 16 to 18 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"consist of grant awards from moneys appropriated from the life sciences and medical research account established pursuant to section 196.1090, RSMo. The grant awards shall be designed to achieve the"; and

Further amend said bill, Page 8, Section 192.1015, Lines 5 and 6 of said page, by deleting the words "**research fund**" and inserting in lieu thereof the following: "**medical research account**"; and

Further amend said bill, Page 8, Section 192.1015, Line 8 of said page, by deleting the words "**research fund**" and inserting in lieu thereof the following: "**medical research account**"; and

Further amend said bill, by inserting at the appropriate location the following:

"196.1075. 1. As used in sections 196.1075 to 196.1105, the following terms mean:

(1) "**Account**", an account within the health care trust fund created in subsection 2 of this section;
(2) "**Health care trust fund**", the fund created in subsection 2 of this section;
(3) "**MSA**", the master settlement agreement entered into on November 23, 1998, as amended, in the tobacco case;

(4) "**Tobacco case**", the case of *State of Missouri ex rel. Jeremiah W. (Jay) Nixon, Attorney General v. The American Tobacco Company, Inc., et al.*, case number 972-1465, filed in the circuit court of the City of St. Louis, state of Missouri;

(5) "**Tobacco claim**", any claim of the state of Missouri for conduct, acts or omissions arising out of or in any way related, in whole or in part, to the use, sale, distribution, manufacture, development, advertising, marketing or health affects of tobacco products; the exposure to tobacco products; or research, statements or warnings regarding the potential adverse affects of tobacco use, including those asserted in the tobacco case and any claims of the same or similar nature against any person or entity, including but not limited to the defendants in the tobacco case, provided that a claim of the state of Missouri for taxes or licensure fees shall not be considered a tobacco claim;

(6) "**Tobacco claim payment**", any moneys or proceeds of any moneys, including interest thereon, paid into the state treasury as a result of a tobacco claim, including but not limited to a payment to the state of Missouri pursuant to the MSA or any other tobacco claim settlement, award or judgment. Tobacco claim payment shall include any moneys paid into the state treasury that results in a direct offset or reduction of moneys received into the state treasury pursuant to the MSA or any other tobacco claim settlement, award or judgment.

2. The first fifty million dollars of tobacco claim payments shall be deposited in an endowment fund to be known as the "Fund for Missouri's Future". The state treasurer shall invest moneys in the fund in the same

manner as surplus funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of the moneys in the fund for Missouri's future shall be credited to such fund until the corpus of the fund reaches one billion dollars. Moneys constituting the corpus of the fund shall not be appropriated without a two-thirds vote of the members elected to each house of the general assembly as authorized by a concurrent resolution. Once the corpus of the fund reaches one billion dollars, earnings on the corpus shall be subject to appropriation. A separate and special trust fund to be known as the "Health Care Trust Fund" is hereby created in the state treasury. All tobacco claim payments received by the state after the initial fifty million dollars is deposited in the fund for Missouri's future as provided in this subsection and all earnings resulting from the investment of the moneys in the fund for Missouri's future after the corpus of such fund reaches one billion dollars shall be deposited into the health care trust fund. All moneys received in the health care trust fund shall be allocated by appropriation or transferred into separate accounts within the health care trust fund as provided in sections 196.1075 to 196.1105 and shall be used solely for smoking prevention and cessation, early childhood and youth development care and education, prescription drug coverage and health care, and life sciences and medical research. If a transfer of the fifty million dollars into the endowment fund is made prior to the effective date of this act, it shall satisfy the provisions of this subsection and no additional transfers into the endowment fund shall be made unless as further provided by law.

3. No moneys shall be withdrawn from the health care trust fund or any account of such fund except by an appropriation or transfer for the purpose and use authorized for such fund and any applicable account. No obligation for payment of moneys so appropriated from the health care trust fund and any applicable account of such fund shall be incurred and paid unless the commissioner of the office of administration certifies it for payment and further certifies that:

- (1) The expenditure is within the purpose and use required for the health care trust fund and any applicable account;
- (2) The expenditure is within any one specific purpose or use lawfully contained within the appropriation made by the general assembly; and
- (3) There is an appropriation of an unencumbered balance within the health care trust fund and any applicable account sufficient to pay it.

At the time of issuance, each certification shall be entered on the general accounting books as an encumbrance on the appropriation.

196.1081. The "Prescription Drug Coverage and Health Care Treatment and Access Account" is hereby created within the health care trust fund. Appropriations made by the general assembly from the prescription drug coverage and health care treatment and access account, shall be used and expended solely for prescription drug coverage and health care.

196.1084. The "Tobacco Prevention, Education and Cessation Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for tobacco prevention, education and cessation, including but not limited to programs to prevent tobacco usage by minors, to prevent or reduce tobacco usage generally, and to prevent tobacco addiction.

196.1087. The "Early Childhood and Youth Development Care and Education Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for early childhood and youth development care and education, including but not limited to community grants. Appropriations made by the general assembly from the account shall be used and expended solely for the purpose provided in this section.

196.1090. The "Life Sciences and Medical Research Account" is hereby created within the health care trust fund and shall be used and expended solely for life sciences and medical research purposes.

196.1093. At least ten percent of moneys appropriated from the accounts pursuant to sections 196.1081, 196.1084, 196.1087 and 196.1090, other than moneys used for prescription drug coverage, shall be used for programs and grants that benefit minorities, women and at-risk children and communities through community based not-for-profit organizations.

196.1096. The commissioner of administration shall establish such books of account as are necessary to account for the proceeds of any tobacco claim payments made to the state of Missouri and interest thereon and shall make or refuse to make such certifications as are necessary to ensure that these funds are allocated, used and expended only for the purposes set forth in sections 196.1075 to 196.1105.

196.1099. Moneys which are appropriated from the health care trust fund for the purposes provided in sections 196.1075 to 196.1105 shall constitute additional amounts over and above any moneys that are

appropriated for such purposes from general revenue as of July 1, 2001. The state shall not reduce the level of funding that was in effect on July 1, 2001, for such a purpose from general revenue sources because of the appropriation of moneys for such purpose from the health care trust fund. This section shall not apply to amounts appropriated or expended for the purposes of administering section 135.095, RSMo.

196.1102. Any moneys received by the state as a result of the tobacco settlement agreement together with interest and earnings thereon shall not be classified as "total state revenues" as defined in sections 17 and 18 of article X of the Missouri Constitution and the expenditure of such moneys shall not be an "expense of state government" pursuant to section 20 of article X of the Missouri Constitution.

196.1105. 1. The provisions of sections 196.1075, 196.1078, 196.1081, 196.1084, 196.1087, 196.1090, 196.1093, 196.1096, 196.1099 and 196.1102 shall not become effective unless a ballot measure has been submitted to and approved by the voters. The secretary of state shall submit the ballot measure at an election to be held and conducted on the Tuesday immediately following the first Monday in November, 2001.

2. The official summary statement shall be as follows:

"Authorizes deposit of tobacco settlement moneys into funds for use in smoking prevention, health care and prescription drug coverage for seniors, life sciences and medical research, early childhood and youth development care and education, and an endowment fund which would not be subject to the constitutional limit on state spending. Defeat of the referendum measure would not create the funds and the moneys shall be credited to general revenue for appropriations by the general assembly."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Scheve, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

Representative Reid offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 10, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. Notwithstanding any provisions of sections 192.1010 to 192.1025 to the contrary, the life sciences research board shall annually transfer four hundred thousand dollars to the Missouri higher education scholarship donation fund in the state treasury established in section 173.196, RSMo. Such transfer shall be used solely by the graduate fellowship program established in section 173.199, RSMo, for scholarships for any eligible person who pursues a graduate degree in the fields of chemistry, life sciences, or agricultural sciences. The provisions of this subsection shall expire on July 1, 2007."; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Reid, **House Amendment No. 4** was adopted.

Representative Foley offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 3, Section 192.1010, Lines 20 and 23 of said page, by striking the number "192.1025" and inserting in lieu thereof the number "**192.1035**" on both of said lines; and

Further amend said bill and section, Page 4, Lines 3 and 23 of said page, by striking the number "192.1025" and inserting in lieu thereof the number "**192.1035**" on both of said lines; and

Further amend said bill, Page 5, Section 192.1012, by striking the number “192.1025” and inserting in lieu thereof the number “**192.1035**”; and

Further amend said bill, Page 8, Section 192.1020, Line 19 of said page, by inserting immediately after the word “costs” on said line the words: “, **subject to the provisions of this section and section 192.1035**”.

On motion of Representative Foley, **House Amendment No. 5** was adopted.

On motion of Representative Foley, **HS HCS SS SCS SB 226, as amended**, was adopted.

On motion of Representative Foley, **HS HCS SS SCS SB 226, as amended**, was read the third time and passed by the following vote:

AYES: 109

Abel	Barnett	Barry 100	Bearden	Behnen
Berkowitz	Black	Bland	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Byrd	Campbell	Carnahan	Cierpiot
Clayton	Coleman	Copenhaver	Crump	Curls
Davis	Dolan	Fares	Farnen	Foley
Ford	Franklin	Fraser	Gambaro	Gaskill
George	Graham	Gratz	Green 73	Hagan-Harrell
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Kennedy	Koller	Lawson	Legan	Levin
Liese	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
May 149	Mays 50	McKenna	Merideth	Monaco
Moore	Murphy	Myers	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Portwood	Ransdall
Reid	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Scheve	Scott	Seigfreid
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Troupe
Van Zandt	Villa	Walton	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 044

Ballard	Bartelsmeyer	Bartle	Berkstresser	Boatright
Burcham	Champion	Cooper	Crawford	Crowell
Cunningham	Dempsey	Enz	Froelker	Green 15
Griesheimer	Hampton	Henderson	Hendrickson	Hohulin
Holt	Hunter	Jetton	Kelly 144	Kelly 27
Kelly 36	Linton	Marble	Marsh	Mayer
Miller	Phillips	Purgason	Rector	Reinhart
Roark	Ross	Schwab	Secrest	Selby
Treadway	Vogel	Ward	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 007

Baker	Barnitz	Kelley 47	King	Long
Naeger	Wagner			

VACANCIES: 003

Speaker Kreider declared the bill passed.

COMMITTEE REPORT

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS SB 125 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILL

HS HCS SB 125, as amended, relating to political subdivisions, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **HS HCS SB 125, as amended**, was read the third time and passed by the following vote:

AYES: 132

Abel	Barnett	Barry 100	Bartelsmeyer	Bearden
Berkowitz	Berkstresser	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 27	Kelly 36	Kennedy	Koller
Lawson	Legan	Levin	Liese	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Moore	Naeger	Nordwald	O'Connor	Overschmidt
Portwood	Purgason	Ransdall	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Robirds	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Wiggins	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 015

Ballard	Bartle	Behnen	Crowell	Jetton
Linton	Lograsso	Murphy	Myers	Ostmann
Phillips	Rector	Reinhart	Roark	Ross

PRESENT: 001

Reid

ABSENT WITH LEAVE: 012

Baker	Barnitz	Black	Green 73	Harlan
Kelley 47	King	Long	Monaco	O'Toole
Wagner	Williams			

VACANCIES: 003

Speaker Kreider declared the bill passed.

BILL CARRYING REQUEST MESSAGE

HCS SS SB 244, as amended, relating to motor vehicles and equipment, was taken up by Representative Koller.

Representative Koller moved that the House refuse to recede from its position on **HCS SS SB 244, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

HCS SS SB 244: Representatives Koller, Crump, Green (15), Kelly (144) and Ross

HS HCS SS SCS SB 48: Representatives Hollingsworth, Britt, Campbell, Ridgeway and Crowell

HS SCS SB 393: Representatives Holand, Bartelsmeyer, Treadway, Johnson (90) and Shoemyer

HS HCS SCS SB 266: Representatives Barry, Smith, Kennedy, Holand and Cooper

THIRD READING OF SENATE BILLS

HCS SS SCS SBs 89 & 37, relating to methamphetamine production, was taken up and placed on the Informal Calendar.

HCS SS SCS SBs 214, 124, 209 & 322, relating to sex offenses, was taken up and placed on the Informal Calendar.

SB 32, relating to state funding for disabled students, was taken up and placed on the Informal Calendar.

HCS SCS SB 186, relating to small loans, was taken up and placed on the Informal Calendar.

SS#2 SCS SBs 22 & 106, relating to prescription drugs for the elderly, was taken up and placed on the Informal Calendar.

SCS SB 387, relating to recovery of fuel costs, was taken up and placed on the Informal Calendar.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 241**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on Senate Committee Substitute for House Committee Substitute for House Bill No. 241, with Senate Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 241, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 241;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 241 be Truly Agreed To and Finally Passed.

FOR THE HOUSE:

/s/ Phil Smith
/s/ Philip Willoughby
/s/ Melba Curls
/s/ Luann Ridgeway
/s/ Jason Crowell

FOR THE SENATE:

/s/ Harold Caskey
/s/ David Klarich
/s/ John Cauthorn
/s/ James Mathewson
/s/ Michael Gibbons

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 453**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on Senate Substitute for Senate Committee Substitute for House Bill No. 453, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10 and Senate Amendment No. 11; 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 Substitute for Senate Committee Substitute for House Bill No. 453, as amended;
2. That the House recede from its position on House Bill No. 453;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 453 be adopted.

FOR THE HOUSE:

/s/ Rep. Bill Ransdall
/s/ Rep. Phil Smith
/s/ Rep. Denny Merideth
/s/ Rep. Martin Hohulin
/s/ Rep. Rod Jetton

FOR THE SENATE:

/s/ Sen. Sarah Steelman
/s/ Sen. David Klarich
/s/ Sen. Chuck Gross
/s/ Sen. James Mathewson
/s/ Sen. Edward Quick

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 369**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 7 and House Amendment No. 8; 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 Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 369;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369 be adopted.

FOR THE HOUSE:

/s/ Rep. Patrick O'Connor
/s/ Rep. Carol Jean Mays
/s/ Rep. James O'Toole
/s/ Rep. Gary Burton
/s/ Rep. Shannon Cooper

FOR THE SENATE:

/s/ Sen. Sarah Steelman
/s/ Sen. Stephen Stoll
/s/ Sen. John Scott
/s/ Sen. David Klarich
/s/ Sen. David Klindt

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:30 a.m., Thursday, May 17, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Seventy-fourth Day, Tuesday, May 15, 2001, page 2221, line 36, by deleting the number "356" and inserting in lieu thereof the number "536".

Pages 2157 and 2158, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 2165 and 2166, roll call, by showing Representative Hanaway voting "no" rather than "absent with leave".

Pages 2168 and 2169, roll call, by showing Representatives Bartelsmeyer, Black and St. Onge voting "aye" rather than "absent with leave".

Pages 2176 and 2177, roll call, by showing Representatives Berkstresser, Boucher and Franklin voting "aye" rather than "absent with leave".

Pages 2180 and 2181, roll call, by showing Representative Berkstresser voting "no" rather than "absent with leave".

Pages 2189 and 2190, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Page 2190, roll call, by showing Representatives Davis, Dolan and Jetton voting "aye" rather than "absent with leave".

Page 2192, roll call, by showing Representative Franklin voting "no" rather than "absent with leave".

Page 2193, roll call, by showing Representatives Barry, Franklin and Jetton voting "aye" rather than "absent with leave".

Page 2194, roll call, by showing Representatives Johnson (61) and Walton voting "aye" rather than "present".

Page 2194, roll call, by showing Representatives Dempsey and Hosmer voting "aye" rather than "absent with leave".

Page 2195, roll call, by showing Representatives Johnson (61) and Walton voting "aye" rather than "present".

Page 2195, roll call, by showing Representative O'Toole voting "aye" rather than "no".

Page 2195, roll call, by showing Representative Boykins voting "present" rather than "absent with leave".

Page 2195, roll call, by showing Representatives Franklin and Hosmer voting "aye" rather than "absent with leave".

Pages 2200 and 2201, roll call, by showing Representatives Barry, Berkstresser and Campbell voting "no" rather than "absent with leave".

Pages 2200 and 2201, roll call, by showing Representative Enz voting "aye" rather than "absent with leave".

Pages 2201 and 2202, roll call, by showing Representatives Barry, Campbell, Hosmer, Naeger and Wagner voting "aye" rather than "absent with leave".

Page 2207, roll call, by showing Representatives Campbell, Dempsey and Naeger voting "aye" rather than "absent with leave".

Page 2207, roll call, by showing Representatives Behnen, Dolan, George, King, May (149), Smith and Wagner voting "aye" rather than "absent with leave".

Pages 2220 and 2221, roll call, by showing Representatives Barry and Dempsey voting "aye" rather than "absent with leave".

Pages 2222 and 2223, roll call, by showing Representatives Reinhart and St. Onge voting "no" rather than "absent with leave".

Pages 2223 and 2224, roll call, by showing Representatives Dempsey and St. Onge voting "aye" rather than "absent with leave".

COMMITTEE MEETING

FISCAL REVIEW AND GOVERNMENT REFORM

Thursday, May 17, 2001, 8:30 am. Hearing Room 3. Fiscal Review (Fiscal Note).

To be considered - SB 32, SB 46, SB 89, SB 214, SB 476, SB 551, SB 578

HOUSE CALENDAR

SEVENTY-SIXTH DAY, THURSDAY, MAY 17, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 593 - Riback Wilson (25)

- 3 HCS HB 239 - Smith
- 4 HB 802 - Ransdall
- 5 HCS HB 374 - Fraser
- 6 HCS HB 635 - Barry
- 7 HCS HB 868 - Merideth
- 8 HCS HB 253 - Ross
- 9 HB 809, HCA 1 - Carnahan
- 10 HCS HB 340, 303 & 316 - Graham
- 11 HB 640 - Johnson (90)
- 12 HCS HB 723 - Mays (50)
- 13 HCS HB 117 - Riback Wilson (25)
- 14 HCS HB 307 - Wiggins
- 15 HCS HB 921 - Curls
- 16 HB 911 - Carnahan
- 17 HCS HB 511 - Johnson (90)
- 18 HB 63 - Reynolds
- 19 HCS HB 93 - Gaskill

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HCS HB 853 & 258 - Crump
- 3 HCS HB 186 & 172 - Troupe
- 4 HCS HB 888, 942 & 943 - Scheve
- 5 HCS HB 472 - Burton
- 6 HCS HB 293 - Kennedy
- 7 HCS HB 663 & 375 - Kennedy
- 8 HCS HB 170 - Froelker

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 18, (5-14-01, pgs. 2135 & 2136) - Barry

HOUSE BILLS FOR THIRD READING

- 1 HB 527, (Fiscal Review 4-19-01) - Luetkenhaus
- 2 HB 366, E.C. - Champion
- 3 HS HB 286, E.C. - Smith
- 4 HS HB 715 - Foley

SENATE BILL FOR SECOND READING

SCS SB 586

SENATE JOINT RESOLUTIONS FOR THIRD READING

- 1 HCS SS SCS SJR 1 & 4 - O'Toole
- 2 SS SJR 9 - Gambaro

SENATE BILLS FOR THIRD READING

- 1 SB 370, HCA 1 - Smith
- 2 HCS SCS SB 591 - Hoppe
- 3 SS SCS SB 351, HCA 1 - Hosmer
- 4 HCS SCS SB 10 - Monaco
- 5 HCS SB 275, HSA 2 for HA 4, HA 4 & HS, as amended, pending - Levin
- 6 SB 470, HCA 1 - O'Toole
- 7 SCS SB 52 & 91, HCA 1 & HCA 2 - Koller
- 8 HCS SCS SB 44 & 59 - Monaco
- 9 HCS SCS SB 136 - Barry
- 10 HCS SS SCS SB 551, 410, 539, 528 & 296, (Fiscal Review 5-15-01) - Barry
- 11 HCS SS SCS SB 46 & 47, E.C. (Fiscal Review 5-15-01) - Barry
- 12 SCS SB 578, (Fiscal Review 5-15-01) - Green (73)
- 13 HCS SCS SB 317 - Hollingsworth
- 14 SB 430 - Carnahan
- 15 SB 76 - Rizzo

SENATE BILLS FOR THIRD READING - INFORMAL

- 1 SB 123 - Hampton
- 2 SB 416 - Wagner
- 3 HCS SB 392 - Rizzo
- 4 HCS SS SCS SB 433 & 248 - Hoppe
- 5 HCS SS SCS SB 476, 427 & 62, (Fiscal Review 5-14-01) - Seigfreid
- 6 HCS SCS SB 486 & SB 422 - Hoppe
- 7 HCS SS SCS SB 89 & 37, (Fiscal Review 5-15-01) - Hosmer
- 8 HCS SS SCS SB 214, 124, 209 & 322, (Fiscal Review 5-15-01) - Hosmer
- 9 SB 32, HCA 1 (Fiscal Review 5-15-01) - Merideth
- 10 HCS SCS SB 186 - Liese
- 11 SS#2 SCS SB 22 & 106, HCA 1 - Scheve
- 12 SCS SB 387, E.C. - Mays (50)

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 955, SCA 1 - Green (73)
- 2 SCS HCR 24 - Boucher
- 3 SCS HB 157 - Hosmer
- 4 SS SCS HS HB 381, as amended - Hoppe
- 5 SCS HS HCS HB 107, as amended - Clayton

- 6 HB 769, SAs 1,2,3,4,5,& 6 - Harlan
- 7 SCS HB 626 - Hosmer
- 8 HB 262, SCA 1, SA 2, SA 3, SA 1 to SA 4, SA 4, as amended - Linton
- 9 SCS HB 219 - Townley
- 10 SCS HB 80, as amended, E.C. - Ross
- 11 SCS HB 471, as amended - Jolly

BILLS IN CONFERENCE

- 1 CCR HCS SS SB 193, as amended - Ward
- 2 HCS SB 610 - Hoppe
- 3 CCR SCS HCS HB 302 & 38, as amended, E.C. - Hosmer
- 4 CCR HCS SB 319, as amended, E.C. - Johnson (61)
- 5 HCS SB 304 - Monaco
- 6 CCR#2 HCS SCS SB 151 - Gaskill
- 7 CCR SCS HCS HB 205, 323 & 549 - Relford
- 8 CCR HCS SB 274 - Harlan
- 9 HS HCS SB 460, as amended, E.C. - Kennedy
- 10 HS HCS SB 72, as amended - Smith
- 11 CCR SS SCS HB 453, as amended - Ransdall
- 12 CCR SCS HCS HB 241, as amended - Smith
- 13 HB 621, as amended - Gratz
- 14 HS HCS SCS SB 236, as amended, E.C. - Ladd Baker
- 15 CCR HS HCS SS SCS SB 369, as amended - Burton
- 16 HS SCS SB 393, as amended - Treadway
- 17 HS HCS SCS SB 266, as amended - Barry
- 18 HS HCS SS SCS SB 48, as amended - Hollingsworth
- 19 HCS SS SB 244 - Koller