

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SIXTH DAY—FRIDAY, MAY 18, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“(I am the Lord:) I will grant peace in the land, and you shall lie down, and no one shall make you afraid.” (Leviticus 26:6)

Merciful Father, the hours are numbered until the tension and anxiety of this session and this day are ended and we shall have rest. So we pray that You walk these hours with us so we may know Your love and mercy and we may come to that place of wholeness of body, mind, spirit and community. There we shall receive Your peace and know we have fought the good fight and completed the race. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Jefferson City News Tribune, KRCG-TV, KOMU-TV, KTVI-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 841, regarding Mr. Jim Goldammer, Jefferson City, which was adopted.

Senator Gross offered Senate Resolution No. 842, regarding Jared Michael Loeb, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 843, regarding Blake N. Imam, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 844, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert A. Koenig, St. Charles, which was adopted.

Senator Singleton offered Senate Resolution No. 845, regarding The Jones Creek Quilt, which was adopted.

Senator Singleton offered Senate Resolution No. 846, regarding Donald E. Clark, D.P.M., Joplin, which was adopted.

Senator Kenney offered Senate Resolution No. 847, regarding Thomas James Scroggin, Lee’s Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 848, regarding Theron L. Sutherland, Lee’s Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 849, regarding Christopher B. Wright, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 850, regarding Joseph Ryan Ondriezek, Lee's Summit, which was adopted.

PRIVILEGED MOTIONS

Senator Kinder requested unanimous consent of the Senate to make one motion to return the appointments of Yvonne Hunter, Audrey R. Jones, Richard W. Sullivan, Kathy A. Surratt-States, Pamela S. Wright and Judy A. Zakibe to the Governor pursuant to his request, which request was granted.

Senator Kinder moved that the above appointments be returned to the Governor, pursuant to his request, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HBs 302 and 38**, as amended, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HBs 302 and 38**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HB 453**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **SCS** for **HB 453**.

CONFERENCE COMMITTEE REPORTS

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 302 and 38**, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 302 and 38

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38 with Senate Amendment No. 1 and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 302 & 38;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38, be adopted.

FOR THE SENATE:

/s/ Morris Westfall

/s/ Marvin Singleton

/s/ David Klarich

/s/ Ted House

/s/ Harold Caskey

FOR THE HOUSE:

/s/ Craig C. Hosmer

/s/ Phillip Britt

/s/ Gary Kelly

/s/ Robert Mayer

/s/ Sam Gaskill

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators

Bland Johnson Schneider—3

Absent—Senators—None

Absent with leave—Senator Carter—1

On motion of Senator Westfall, **CCS No. 2** for **SCS** for **HCS** for **HBs 302** and **38**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 302 and 38

An Act to repeal sections 302.302, 302.304, 302.309, 302.505, 302.510, 302.520, 302.535, 302.540, 302.541, 479.500, 577.012, 577.021, 577.023, 577.037, 577.041, 577.600 and 577.602, RSMo 2000, relating to traffic offenses, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions, an effective date for certain sections.

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators

Bland Johnson Schneider—3

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

HB 133, with **SCS**, introduced by Representative Gambaro, entitled:

An Act to repeal sections 441.500, 441.510, 441.520, 441.550 and 441.590, RSMo 2000, relating to actions by community groups and housing corporations to abate derelict properties, and to enact in lieu thereof five new sections relating to the same subject.

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

SCS for **HB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 133

An Act to repeal sections 441.500, 441.510, 441.520, 441.550, 441.590, 447.700 and 447.708, RSMo 2000, relating to property development, and to enact in lieu thereof eight new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 133** be adopted.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 133, Page 13, Section 447.708, Line 126, by striking the word “**shall**”, and replacing in lieu thereof, the word “**may**”.

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

Senator Yeckel moved that **SCS** for **HB 133**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 133**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Loudon	Mathewson	Quick

Rohrbach Russell Schneider Scott
 Sims Singleton Staples Steelman
 Stoll Wiggins Yeckel—31

NAYS—Senators—None

Absent—Senators

Klindt Westfall—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 48**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48 with House Substitute Amendment No. 2 for House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6, 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. 48, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 48;

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. 48, be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Betty Sims	/s/ Kate Hollingsworth
/s/ Roseann Bentley	/s/ Phillip M. Britt
/s/ David J. Klarich	/s/ Marsha Campbell
/s/ Sidney Johnson	/s/ Luann Ridgeway
/s/ Patrick Dougherty	/s/ Jason Crowell

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Klarich Quick—3

Absent with leave—Senator Carter—1

On motion of Senator Sims, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 48**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE
 FOR HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 48**

An Act to repeal sections 210.001, 210.900,

210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930, 210.936, 453.073, 630.170 and 630.405, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to the family care safety registry, with penalty provisions.

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Klarich Quick—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 453**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2
ON SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 453

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House 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 No. 2 for Senate Substitute for Senate Committee Substitute for House Bill No. 453, be adopted.

FOR THE SENATE:

/s/ Sarah Steelman
/s/ David J. Klarich
/s/ Chuck Gross
/s/ Jim Mathewson
/s/ Ed Quick

FOR THE HOUSE:

/s/ Bill Ransdall
/s/ Phil Smith
/s/ Denny Merideth
/s/ Bubs Hohulin
/s/ Rod Jetton

Senator Steelman moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senator Carter—1

On motion of Senator Steelman, **CCS No. 2** for **SS** for **SCS** for **HB 453**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
NO. 2 FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 453

An Act to repeal sections 109.120, 109.241, 135.230, 292.606, 319.129, 319.131, 319.132, 319.133, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788 and 444.789, RSMo 2000, and to enact in lieu thereof thirty-seven new sections relating to commerce, with penalty provisions and an expiration date for certain sections.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Caskey moved that **SCS** for **SB 10**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 10**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 10

An Act to repeal section 516.350, RSMo 2000, relating to division of benefits in dissolution of marriage judgments, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **HS** for **HCS** for **SCS** for **SB 10**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Sims—1

Absent with leave—Senator Carter—1

On motion of Senator Caskey, **HS** for **HCS** for **SCS** for **SB 10**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Jacob Sims—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SB 351**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **SS** for **SCS** for **SB 351**, as amended. Representatives: Hosmer, Britt, McKenna, Burcham and Barnett.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SB 351**, as amended: Senators Singleton, Westfall, Bentley, Caskey and Johnson.

CONFERENCE COMMITTEE REPORTS

Senator Bland, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 266**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 266

Mr. President: Your Conference Committee,

appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 266;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

- /s/ Mary Bland
- /s/ Stephen Stoll
- /s/ Sarah Steelman
- /s/ Morris Westfall
- /s/ Betty Sims

FOR THE HOUSE:

- /s/ Joan Barry
- /s/ Phil Smith
- /s/ Harry Kennedy
- /s/ Roy W. Holand
- /s/ Shannon Cooper

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

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Quick	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Loudon	Rohrbach—2
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Absent—Senators

Bentley	Mathewson	Schneider	Scott—4
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Absent with leave—Senator Carter—1

On motion of Senator Bland, **CCS** for **HS** for **HCS** for **SCS** for **SB 266**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 266

An Act to repeal sections 198.531, 199.170, 199.180, 199.200, 701.322, 701.326 and 701.328, RSMo 2000, and to enact in lieu thereof twenty-two new sections relating to the department of health.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Loudon Rohrbach—2

Absent—Senators

Schneider Scott—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 591**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 591**, as amended. Representatives: Hoppe, Clayton, Shoemyer, Legan and Black.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 591**, as amended: Senators Kenney, Cauthorn, Klindt, Wiggins and DePasco.

CONFERENCE COMMITTEE REPORTS

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SB 351**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 351

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351 with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3 and House Substitute Amendment No. 1 for House Amendment No. 4, 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 Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 351;

3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, be adopted.

FOR THE SENATE:

- /s/ Marvin Singleton
- /s/ Morris Westfall
- /s/ Roseann Bentley
- /s/ Harold Caskey
- /s/ Sidney Johnson

FOR THE HOUSE:

- /s/ Phillip Britt
- /s/ Craig Hosmer
- /s/ Ryan McKenna
- /s/ Rex Barnett
- Tom Burcham

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

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bentley	Schneider—2
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Absent with leave—Senator Carter—1

President Pro Tem Kinder assumed the Chair.

On motion of Senator Singleton, **CCS** for **HS** for **SS** for **SCS** for **SB 351**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal sections 50.550, 57.010,

57.020, 57.030, 217.305, 488.5336, 558.019, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180, 590.650 and 610.100, RSMo 2000, relating to peace officers, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Russell	Schneider—2
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Absent with leave—Senator Carter—1

The President Pro Tem declared the bill passed.

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

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

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

Photographers from KY-3 TV, the Post Dispatch, KONL-TV and KSDK-TV were given permission to take pictures in the Senate Chamber today.

Senator Klarich assumed the Chair.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 617**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 617

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13 and 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 617;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, be Truly Agreed To and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sarah Steelman	/s/ Henry Rizzo
/s/ David J. Klarich	May Scheve
/s/ Bill Kenney	/s/ Dennis Bonner
/s/ Ted House	/s/ Richard Byrd
/s/ John E. Scott	/s/ Merrill Townley

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

Senator Jacob raised the point of order that **CCS for HS for HCS for SCS for SB 617** is out of order as the **CCS** exceeds the scope of the original bill.

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

Senator Gibbons assumed the Chair.

Senator Klarich assumed the Chair.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		
Absent—Senators			
Johnson	Scott	Staples—3	

Absent with leave—Senator Carter—1

Senator Jacob offered a substitute motion that the conference committee report on **HS** for **HCS** for **SCS** for **SB 617** be referred to the Committee on State Budget Control.

At the request of Senator Jacob, the substitute motion was withdrawn.

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

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 157** and has taken up and passed **CCS** for **SCS** for **HB 157**.

CONFERENCE COMMITTEE REPORTS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 157**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 157

Mr. President: Your Conference Committee,

appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 157, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 157;

2. That the House recede from its position on House Bill No. 157;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 157, be adopted.

FOR THE SENATE:

/s/ Roseann Bentley

/s/ Stephen Stoll

/s/ David J. Klarich

/s/ Doyle Childers

/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Craig Hosmer

/s/ Phil Smith

/s/ Phillip Britt

/s/ William C. Linton

/s/ Michael Reid

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

House	Quick	Schneider	Singleton
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Staples—5

Absent with leave—Senator Carter—1

On motion of Senator Bentley, **CCS** for **SCS** for **HB 157**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 157

An Act to repeal sections 193.185, 451.022, 451.040, 451.080 and 451.130, RSMo 2000, relating to marriage, and to enact in lieu thereof five new sections relating to the same subject.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Singleton Staples—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Kenney moved that the Senate conferees on **HS** for **HCS** for **SCS** for **SB 591**, as amended, be allowed to exceed the differences on the livestock penalty provision, which motion prevailed.

On motion of Senator Kenney, the Senate recessed for 30 minutes.

RECESS

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

CONFERENCE COMMITTEE REPORTS

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 421**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 421

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421 with Senate Amendment No. 1, 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 Substitute for House Bill No. 421, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 421;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Peter Kinder	/s/ Don Lograsso
/s/ Chuck Gross	/s/ Tom Dempsey
/s/ John Loudon	/s/ Thomas Hoppe
/s/ Ronnie DePasco	/s/ Bruce Holt
/s/ Harry Wiggins	/s/ Chuck Graham

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

Senator Schneider offered the following substitute motion, which was read:

I move that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 421** and

request the House grant a further conference and that the Senate conferees be instructed to retain the position of the Senate on Senate Amendment #1 which is attached hereto.

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, Page 2, Section 537.053, Line 17 of said page, by striking the words “known to be” and inserting in lieu thereof the following: **“must be shown to be made by a person who knew or had reason to know that the recipient was a person”**; and further amend line 18 of said page, by striking the words “known to be” and inserting in lieu thereof the word **“was”**; and further amend said line, by inserting immediately after the word “intoxicated” the following: **“, and”**; and further amend lines 21-23 of said page, by striking all of said lines and inserting in lieu thereof the following: **“intoxicated” when intoxicated to such an extent that such person's physical faculties are impaired to such a degree that it is obvious to a reasonably prudent person under the same or similar circumstances. A blood test or**; and further amend line 24 of said page, by striking the word “result” and inserting in lieu thereof the following: **“indicating that a person's blood alcohol level is”**; and further amend lines 25-26 of said page, by striking the following: “of obviously intoxicated” and inserting in lieu thereof the following: **“that a person is obviously intoxicated”**.

Senator Schneider moved that the above substitute motion be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1 TO THE SUBSTITUTE MOTION

Amend the Substitute Motion for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, by adding the following:

“That the Senate conferees be instructed to amend the Conference Committee Substitute by adding the following to section 537.053:

3. Notwithstanding subsections 1 and 2 of this

section, a cause of action may be brought by or on behalf of any person who has suffered personal injury or death against any person licensed to sell intoxicating liquor by the drink for consumption on the premises [who, pursuant to section 311.310, RSMo, has been convicted, or has received a suspended imposition of the sentence arising from the conviction, of] **if the sale of such intoxicating liquor to a person under the age of twenty-one years or an obviously intoxicated person [if the sale of such intoxicating liquor] is the proximate cause of the personal injury or death sustained by such person. The sale of such intoxicating liquor must be shown to be made by a person who knew or should have known that the recipient was a person under the age of twenty-one years or was obviously intoxicated and must be proven by clear and convincing evidence; provided, however that if a seller of intoxicating liquor made reasonable efforts to ascertain that the recipient was not under the age of twenty-one years or obviously intoxicated, the seller shall have no liability pursuant to this section.**

4. A blood test or breathalyzer test result which indicates that a person's blood alcohol level is at the legally recognized level of intoxication shall not be prima facie evidence that a person is obviously intoxicated."

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Kinder, unanimous consent was granted for him to withdraw his motion to adopt the conference committee report on **SS for SCS for HS for HB 421**, as amended, rendering the substitute motion and the pending amendment moot.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS for SCS for HS for HCS for HB 762**, as amended, and has taken up and passed **CCS for SS for SCS for HS for HCS for HB 762**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HB 80**, as amended, and has taken up and passed **CCS for SCS for HB 80**.

Emergency clause adopted.

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **SS for SCS for HS for HCS for HB 762**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 762

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762 with Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, as amended;

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 762;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for

House Committee Substitute for House Bill No. 762, be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Betty Sims	/s/ Joan Barry
/s/ Roseann Bentley	/s/ Dennis Bonner
/s/ Doyle Childers	/s/ Harold R. Selby
/s/ Harry Wiggins	/s/ Roy W. Holand
/s/ Mary Groves Bland	/s/ Cindy Ostmann

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Mathewson	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators
Loudon Rohrbach—2

Absent—Senator Klarich—1

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel—29			

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

NAYS—Senators
Loudon Rohrbach—2

Absent—Senators
Bland Mathewson—2

Absent with leave—Senator Carter—1

On motion of Senator Sims, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 762**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 762

An Act to repeal sections 197.285, 208.151 and 376.1209, RSMo 2000, relating to women’s health services, and to enact in lieu thereof five new sections relating to the same subject.

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

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 80**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 80

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 80 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, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 80, as amended;

2. That the House recede from its position on House Bill No. 80;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 80, be adopted.

FOR THE SENATE:

/s/ Bill Kenney

/s/ David J. Klarich

/s/ Ronnie DePasco

/s/ Jim Mathewson

/s/ John Loudon

FOR THE HOUSE:

/s/ William W. Gratz

/s/ Phil Smith

/s/ Gary Kelly

/s/ Carson Ross

/s/ Annie Reinhart

590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, and to enact in lieu thereof forty-eight new sections relating to law enforcement, with penalty provisions and emergency clauses.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

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

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

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

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Mathewson	Schneider	Sims—4
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Absent with leave—Senator Carter—1

On motion of Senator Kenney, CCS for SCS for HB 80, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 80

An Act to repeal sections 32.056, 57.010, 57.020, 57.030, 94.577, 488.5336, 544.170, 570.120, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135,

HOUSE BILLS ON THIRD READING

HB 185, with **SCS**, introduced by Representative Legan, et al, entitled:

An Act to repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 2000, relating to building regulations in certain counties, and to enact in lieu thereof four new sections relating to the same subject.

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

SCS for **HB 185**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 185

An Act to repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 2000, relating to building regulations in certain counties, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 185** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **HB 185**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 185

An Act to repeal sections 64.170, 64.180 and 64.342, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof six new sections relating to the same subject.

Senator Rohrbach moved that **SS** for **SCS** for **HB 185** be adopted, which motion prevailed.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman

Stoll Westfall Wiggins Yeckel—32

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HCS** for **HB 780**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Kenney requested unanimous consent of the Senate to suspend the rules for the purpose of offering a perfecting amendment, which request was granted.

Senator Kenney offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 1, by striking everything above line 11 of said page and inserting in lieu thereof the following: “Amend **SS/SCS/HCS**/House Bill No. 780, Page 57, Section 135.200.”

Senator Kenney moved that the above

amendment be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HCS** for **HB 780**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel—27	

NAYS—Senators

Goode	Jacob	Quick	Rohrbach
Singleton	Westfall—6		

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel—27	

NAYS—Senators

Goode	Jacob	Quick	Rohrbach
Westfall—5			

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

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

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

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

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 236**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 236**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 11, 12, 13 and House Substitute Amendment No. 1 for House Amendment No. 14; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 236;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Betty Sims
/s/ Roseann Bentley
/s/ Sarah Steelman
/s/ Jim Mathewson
/s/ Sidney Johnson

FOR THE HOUSE:

/s/ Lana Ladd Baker
/s/ Dr. Charles Portwood
/s/ Mark Abel
/s/ Timothy Harlan
/s/ Charles Shields

Senator Sims moved that the above conference

committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

On motion of Senator Sims, **CCS No. 2** for **HS** for **HCS** for **SCS** for **SB 236**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
NO. 2 FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 236

An Act to repeal sections 208.028, 208.029, 208.040, 453.005, 453.072 and 453.170, RSMo 2000, relating to children and families, and to enact in lieu thereof nine new sections relating to the same subject.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Goode moved that **SS** for **SCS** for **SB 226**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 226**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to amend chapters 192 and 196, RSMo, by adding thereto six new sections relating to enhancement of public health programs.

Was taken up.

Senator Klarich assumed the Chair.

Senator Goode moved that **HS** for **HCS** for **SS** for **SCS** for **SB 226**, as amended, be adopted.

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

Senator Gross assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 591**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, with House Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 591;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Bill Kenney

/s/ John Cauthorn

/s/ David G. Klindt

/s/ Harry Wiggins

/s/ Ronnie DePasco

FOR THE HOUSE:

/s/ Thomas Hoppe

Robert Clayton

Wes Shoemyer

/s/ Ken Legan

/s/ Lanie Black

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman

Stoll Westfall Wiggins—31

NAYS—Senator Bland—1

Absent—Senator Yeckel—1

Absent with leave—Senator Carter—1

On motion of Senator Kenney, **CCS** for **HS** for **HCS** for **SCS** for **SB 591**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

An Act to repeal sections 204.300, 204.370, 250.236, 277.203, 277.212 and 277.215, RSMo 2000, relating to political subdivisions, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause and penalty provisions.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins—31	

NAYS—Senators—None

Absent—Senators

Russell Yeckel—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich

Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Goode Mathewson—2

Absent with leave—Senator Carter—1

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

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

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

HOUSE BILLS ON THIRD READING

HB 70, with **SCA 1**, introduced by Representative Koller, entitled:

An Act to repeal section 302.020, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

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

SCA 1 was taken up.

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

At the request of Senator Staples, **HB 70** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate request the House to grant further conference on **HS** for **HCS** for **SCS** for **SB 617**, as amended, and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Steelman moved that the conference be dissolved on **HS** for **HCS** for **SB 365**, as amended, and the bill brought up for 3rd reading and final passage.

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

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 471**, as amended and has taken up and passed **CCS** for **SCS** for **HB 471**.

CONFERENCE COMMITTEE REPORTS

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 471**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 471

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 471 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 471, as amended;
2. That the House recede from its position on House Bill No. 471;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 471 be adopted.

FOR THE SENATE:

/s/ Morris Westfall

/s/ Harry Wiggins

/s/ Bill Kenney

/s/ Anita Yeckel

/s/ John Schneider

FOR THE HOUSE:

/s/ Cathy Jolly

/s/ Rick Johnson

/s/ Robert M. Clayton

/s/ Don Lograsso

/s/ Delbert Scott

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Mathewson—2

Absent with leave—Senator Carter—1

On motion of Senator Wiggins, **CCS** for **SCS** for **HB 471**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 471

An Act to repeal sections 195.010, 195.017, 195.070, 195.222, 195.223, 195.235, 195.246, 195.400 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug trafficking, with penalty provisions.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427 and 62**, entitled:

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.225, 115.237, 115.433, 115.453, 115.493, 115.613, 347.740, 351.127, 355.023, 356.233, 359.653 and 417.018, RSMo 2000, relating to elections, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with a penalty provision.

With House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 2.

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 Bills Nos. 476, 427 & 62, Page 14, Section 115.101, Line 24, by inserting after all of said line the following:

“115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to **register or** vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. No person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered **to vote in the jurisdiction of his or her residence** no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall present a valid Missouri drivers license or other form of personal identification at the time of registration.

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is entitled to register and vote shall be entitled to register for and vote **pursuant to the provisions of this chapter** in all statewide public elections and all public elections held for districts and political subdivisions within which he resides.

2. Any person who and only persons who fulfill the ownership requirements shall be entitled to vote in elections for which ownership of real property is required by law for voting.”; and

Further amend said bill, Page 14, Section 115.101, Line 24, by inserting after all of said line

the following:

“115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. **Voter registration agencies and the division of motor vehicle and driver licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.**

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

.....

Township (or Ward)

.....

Name Precinct

.....

Home Address Required Personal Identification Information

.....

City ZIP

.....
Date of Birth

.....
Place of Birth
(Optional)

.....
Telephone Number
(Optional)

.....
Mother's Maiden Name
(Optional)

.....
Occupation (Optional)

.....
Last Place Previously
Registered

.....
Last four digits of
Social Security Number
(Required for registration
unless no Social Security
number exists for Applicant)

.....
Under What Name

.....
Remarks:

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....
Signature of Voter

.....
Date

.....
Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant

to section 115.159, or pursuant to the provisions of section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law. **The secretary of state shall design numbered voter registration documents and a distribution system so that each application to register to vote can be traced to the person originally receiving the application from the secretary of state or election authority. The secretary of state shall ensure that each**

application to register to vote contains a form that can be detached from the application to register to vote, and provided to the voter registration applicant by the person providing the application, which indicates:

(1) That the applicant is not registered to vote until he or she receives notice from the election authority;

(2) The procedures to follow if the applicant does not receive a notification that the application has been accepted;

(3) The number of the application that has been assigned pursuant to this subsection;

(4) Information on application procedures for an absentee ballot; and

(5) Pollworker recruitment information.

The secretary of state shall design a request form for any person who requests from the secretary of state or election authority voter registration applications for distribution. Such request form shall include the requester's name, address and telephone number.

6. All voter registration applications shall be preserved in the office of the election authority.

115.157. 1. The election authority may place all information on any registration cards in computerized form in accordance with subsection 2 of section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. **Except as provided in subsection 2 of this section,** the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;

- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the centralized voter registration system established in section 115.158. **Except as provided in subsection 2 of this section,** the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. **Except as provided in**

subsection 2 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610, RSMo. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

2. Any peace officer as defined in subsection 4 of section 590.100, RSMo, any person working as an undercover officer of a law enforcement agency of this state, agents of a federal law enforcement agency, persons in witness protection programs and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer, as defined in subsection 2 of section 590.100, RSMo, of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the

order closing the residential address and so notify the election authority.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section [not later than ten days after the date of acceptance or if the voter registration application is accepted within five days before the last day for registration to vote in an election, the application shall be transmitted to the

election authority described in subsection 5 of this section] not later than five **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the secretary of state in all offices of the state that provide public assistance, all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, and other offices as directed by the governor. In addition all armed forces recruitment offices shall be considered a voter registration agency.

2. At each voter registration agency, the following services shall be made available:

(1) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;

(2) Acceptance of completed voter registration application forms for transmittal to the election authority located in the same county or any city not within a county, or if there is more than one election authority within the county, to the election authority nearest to the office of the agency. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority[. Forms shall be transmitted as soon as possible and according to dates established by the state election authority];

(3) **Voter registration sites shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.**

(4) If a voter registration agency provides services to a person with a disability at the person's home, the agency shall provide the services provided in this section at the person's home.

3. An applicant declining to register in any agency shall be noted in a declination section incorporated into the voter registration form used by the agency. No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter

registration.

[4. Subject to the approval of the secretary of state, the voter registration agency shall adopt rules and regulations pertaining to the format of a voter registration application to be used by that agency.]"; and

Further amend said bill, Page 21, Section 115.237, Line 6, by inserting after all of said line the following:

"115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained; **or**

(6) **A person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability.**

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in any election in this state may vote in the election even if the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in

section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the [second] **first** degree by consanguinity or affinity. The election authority [may] **shall** accept applications by facsimile transmission [at its discretion and] within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in

accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to the provisions of this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

“STATE OF
COUNTY OF, ss.

I,, do solemnly swear that:

(1) Before becoming a resident of this state, I resided at (residence address) in (town, township, village or city) of County in the state of

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of, state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November, (year);

(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed
(Applicant)

.....
(Residence Address)

Subscribed and sworn to before me this day of,

Signed

(Title and name of officer authorized to administer oaths)”

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the

election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

“STATE OF
COUNTY OF, ss.

I,, do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at (residence address) in (town, township, village or city) of county in the state of

(2) I moved to this election jurisdiction after the last day to register to vote in such election;

(3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held (date);

(4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed
(Applicant)

.....
(Residence Address)

Subscribed and sworn to before me this day of,

Signed

(Title and name of officer authorized to administer oaths)”

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case, such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri
County (City) of

I, (print name), a registered voter of County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

- absence on election day from the jurisdiction of the election authority in which I am registered;
- incapacity or confinement due to illness or physical disability;
- religious belief or practice;
- employment as an election authority or by an election authority at a location other than my polling place;
- incarceration, although I have retained all the necessary qualifications for voting;
- caring for a person who is incapacitated or confined due to illness or disability.**

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter	Signature of Person Assisting Voter (if applicable)
.....	Subscribed and sworn to
.....	before me this day
Address of Voter	of,
.....
.....
Mailing addresses (if different)	Signature of notary or other officer authorized to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4 [or], 5 or 6 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri
County (City) of.....

I, (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

..... am a member of the U.S. armed forces in active service;

..... am an active member of the U.S. merchant marine;

..... am a civilian employee of the U.S. government working outside the United States;

..... am an active member of a religious or welfare organization assisting servicemen;

..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;

..... am a spouse or dependent of one of the above;

..... am a registered voter in County and moved from that county to County, Missouri, after the last day to register to vote in this election.

OR (check if applicable)

(2) I am an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors. I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter Subscribed to and sworn before me this day of,

.....
.....
Address of Voter Signature of notary or other officer authorized to administer oaths

.....
.....
Mailing Address

(if different)

.....

Signature of Person Address of Last Missouri

Assisting Voter Residence

(if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri
County (City) of

I, (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications of voting;

..... caring for a person who is incapacitated or confined due to illness or disability.

I hereby state under penalties of perjury that I own property in the district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter Subscribed and sworn to before me this

day of,

.....

.....

Address

Signature of notary or
other officer authorized
to administer oaths

.....

Signature of Person

Assisting Voter

(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance:

.....

ASSISTING PERSON SIGN HERE

1. (signature of assisting person)
2. (assisting person's name printed)
3. (assisting person's residence)
4. (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or

signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to [illness or physical disability] **the reasons established pursuant to subdivisions (2) and (6) of subsection 1 of section 115.277.**"; and

Further amend said bill, Page 28, Section 115.613, Line 17, by inserting after all of said line the following:

"115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such

salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, willfully absenting himself from the polls on election day

without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person."; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, Page 2, Section A, Line 3, by inserting after all of said line the following:

“21.110. If the governor receives any resignation or notice of vacancy, or if he **or she** is satisfied of the death of any member of either house, [during the recess], he **or she** shall, [without delay] **within thirty days of the resignation or death of such member**, issue a writ of election to supply the vacancy.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HS** for **HCS** for **SCS** for **SB 617** as amended and the conferees be allowed to exceed the differences.

HOUSE BILLS ON THIRD READING

HS for **HB 882**, with **SCS**, entitled:

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

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

SCS for **HS** for **HB 882**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 882

An Act to repeal sections 313.500, 313.510,

313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **HS** for **HB 882** be adopted.

Senator Singleton offered **SS** for **SCS** for **HS** for **HB 882**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 882

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Senator Singleton moved that **SS** for **SCS** for **HS** for **HB 882** be adopted.

At the request of Senator Singleton, **HS** for **HB 882**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427** and **62**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Singleton moved that **HS** for **HB 882**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion

prevailed.

SS for SCS for HS for HB 882 was again taken up.

Senator Schneider offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 882, Page 20, Section 313.585, Line 27, by adding after the period on said line the following: "Such waiver, suspensions or modification shall be made only after a public hearing and the commission finds that such action is not in violation of any of the provisions of this act."

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

Senator Loudon offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 882, Page 42, Section 313.720, Line 2, by adding after said line the following:

"313.730. 1. The provisions of this act shall be submitted to the qualified voters of this state, for adoption or rejection, at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002.

2. No license to conduct pari-mutual wagering on horse racing, either live or by simulcast, in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the

licensing of pari-mutual wagering on horse racing, either live or by simulcast, as provided by Missouri gaming law in the city (county)?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may issue a license in compliance with existing state laws and regulations. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not issue a license. No local option question shall be submitted to the qualified voters of the city or county for at least two years from the date such question was previously rejected.

Any future statute, rule or regulation which would allow a licenses holder to expand the types, forms or methods of wagering or gaming not allowed at the time of the local ballot question adoption, shall be submitted to the qualified voters of the city or county before such statute, rule or regulation may expand the types, forms or methods of wagering or gaming.

3. Any local cities or counties which have approved pari-mutual racing on horse racing shall resubmit said question for the revocation of said approval upon the petition of ten percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of revoke the licensing of pari-mutual wagering on horse racing, either live or by simulcast, as provided by Missouri gaming law in the city (county)?

YES

NO

Any license affected by the revocation of a local option question shall be revoked at the end of the licensing period or within one year from the time of the election in which said revocation was adopted by the voters. Nothing in this section shall limit any regulatory agency of its authority to limit, condition, restrict, revoke, or

suspend a license pursuant to chapter 313, RSMo.”.

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

At the request of Senator Singleton, **HS** for **HB 882**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 226**, as amended, and request the House to recede from its position and take up and pass the bill, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 89** and **37**, entitled:

An Act to repeal sections 160.261, 195.010, 195.235, 195.246, 287.780 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug offenses, with penalty provisions.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 33, Section 287.780, Line 2, by deleting all of said section; and

Further amend said bill, page 38, Section 537.605, lines 13-21, by deleting said section; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 6, Section 160.261, Line 22, by deleting said line and inserting in lieu thereof the following:

“state law, acts of school violence or threatened acts of school violence, within the”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427** and **62** and grants the Senate a conference thereon.

Conferees: Bartelsmeyer, Long, Siegfried, Farnen and Smith.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427** and **62**, as amended: Senators Yeckel, Kenney, Klarich, Wiggins and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 617**, as amended: Senators Steelman, Klarich, Kenney, House and Scott.

PRIVILEGED MOTIONS

Senator Kinder moved that **SS** for **SCS** for **SBs 89** and **37**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SBs 89** and **37**, as amended, entitled:

HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 89 and 37

An Act to repeal sections 160.261, 195.010, 195.235, 195.246, 287.780 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug offenses, with penalty provisions.

Was taken up.

Senator Kinder moved that **HS** for **HCS** for **SS** for **SCS** for **SBs 89** and **37**, as amended, be adopted, which motion prevailed by the following

vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins—31	

NAYS—Senators—None

Absent—Senators

Mathewson Yeckel—2

Absent with leave—Senator Carter—1

On motion of Senator Kinder, **HS** for **HCS** for **SS** for **SCS** for **SBs 89** and **37**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Singleton—1

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Goode moved that **SB 470**, with **HCA 1**, **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Goode moved that the rules be suspended and that **HCA 1**, **HA 1** and **HA 2** be adopted, and **SB 470**, as amended, be read the 3rd time and finally passed, all in one vote, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 476**, **427** and **62**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 476, 427 and 62

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

Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, as amended;

2. That the attached Conference Committee Amendment No. 1 be adopted;

3. That Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, with Conference Committee Amendment No. 1, be Truly Agreed To and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Anita Yeckel	/s/ James Seigfreid
/s/ David J. Klarich	/s/ Beth Long
/s/ Bill Kenney	/s/ Linda Bartelsmeyer
/s/ Stephen Stoll	Ted Farnen
/s/ Harry Wiggins	Philip Smith

CONFERENCE COMMITTEE AMENDMENT
NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Pages 5-6, Section 115.027, by striking all of said section from the bill; and

Further amend said bill, Pages 10-11, Section 115.126, by striking all of said section from the bill; and

Further amend said bill, Pages 33-34, Section 115.349, by striking all of said section from the bill; and

Further amend said bill, Pages 44-45, Section 115.637, Lines 80-83, by striking all of the bold-faced language from said lines; and

Further amend said bill, Page 48, Section 1, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the rules be suspended to adopt the conference committee report and pass the bill in one motion.

Senator Scott raised the point of order that session is concluded because it is past 6:00 p.m.

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 486** and **SB 422**, entitled:

An Act to repeal sections 34.140, 67.582, 190.044, 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 197.300, 197.305, 197.310, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367, 292.606, 320.091, 321.130, 321.190, 321.300, 321.703 and 355.066, RSMo 2000, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to the provision of emergency services, and to enact in lieu thereof fifty-six new sections relating to the same subject, with penalty provisions, with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 7,

8, 10, 11 and 12.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 5, Section 67.582, Line 16, by deleting the words “**or fire protection**”; and

Further amend said bill, Page 50, Section 190.109, Lines 21 to 24 of said page, by deleting all of said lines; and

Further amend said bill, Page 51, Section 190.109, Lines 1 to 9 of said page, by deleting all of said lines; and

Further amend said bill, Pages 113 to 118, Section 355.066, Lines 14 to 24 of Page 113, Lines 1 to 24 of Page 114, Lines 1 to 24 of Page 115, Lines 1 to 24 of Page 116, Lines 1 to 24 of Page 117, and Lines 1 to 20 of Page 118, by deleting all of said section; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 79, Section 197.374, Line 22 of said page, by deleting the words “**units of service**” and inserting in lieu thereof the following: “**new machines or new rooms used for the listed services**”; and

Further amend said bill, Page 80, Section 197.374, Line 6 of said page, by inserting after all of said line the following:

“Nothing in this subdivision shall prohibit the replacement of the listed machines or rooms unless such replacement exceeds the threshold limits in this section.”; and

Further amend said bill, Page 80, Section 197.374, Line 13 of said page, by inserting after the word “**sanatoriums**” the following: “**and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the Internal Revenue Code, as amended, which does not require the expenditure of public funds for**

purchase or operation, with a total licensed bed capacity of one hundred beds or less”; and

Further amend said bill, Page 81, Section 197.374, Line 21 of said page, by deleting the words “**an expenditure**” and inserting in lieu thereof the following: “**a capital expenditure, including lease costs,**”; and

Further amend said bill, Page 82, Section 197.374, Line 10 of said page, by deleting the words “**an expenditure**” and inserting in lieu thereof the following: “**a capital expenditure, including lease costs,**”; and

Further amend said bill, Page 82, Section 197.374, Line 14 of said page, by inserting after the word “**land**” the following: “**acquisition, newly constructed or acquired**”; and

Further amend said bill, Page 84, Section 197.386, Line 18 of said page, by inserting after the word “**writing**” the following: “**its finding of fact, conclusions of law and**”; and

Further amend said bill, Page 86, Section 197.384, Lines 18 to 22 of said page, by deleting all of said lines and renumber remaining subsections accordingly; and

Further amend said bill, Page 88, Section 197.384, Line 10, by inserting after the word “**entirety**” the following: “**or within twelve months of a facility ceasing operation**”; and

Further amend said bill, Pages 88 and 89, Section 197.384, Line 24 of page 88 and Line 1 of page 89, by deleting all of said lines; and

Further amend said bill, Page 98, Section 197.398, Line 23 of said page, by inserting after all of said line the following:

“197.399. The provisions of subdivision (5) of section 197.374 to the contrary notwithstanding, after December 31, 2004, the term “health care facilities” in sections 197.370 to 197.399 shall mean:

(1) Facilities licensed pursuant to chapter 198, RSMo;

(2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;

(3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and

(4) Construction of a new hospital as defined in this chapter.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 118, Section 355.066, Line 21 of said page, by inserting after all of said line the following:

“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 licensed 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. 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. 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.]

590.118. 1. All law enforcement agency personnel records of a peace officer may be made available to any hiring law enforcement agency. The availability of any records shall be subsequent to and conditioned upon a hearing on the issues as defined in sections 590.080, 590.090 and 590.100.

2. Following a decision recommending punitive action from a hearing on the issues as defined in section 590.080, 590.090 and 590.100, the law enforcement agency shall provide such information to the peace officer standards and training commission.

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.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, by inserting in the appropriate location in the bill the following:

“Section 1. It shall be contrary to public policy to withhold Medicaid reimbursement to a Medicaid eligible skilled nursing facility for any resident of that skilled nursing facility who resided there for a period in excess of 90 days prior to being eligible for Medicaid reimbursement. Any instrumentality of the state shall waive or modify any provision of any contract license, authority or understanding with the approval of said skilled nursing facility in order to authorize and pay said Medicaid reimbursement.”; and

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 32, Section 190.092.3, Line 9, by adding after the word “professional” on said line the following:

“including the licensed physician who reviews and approves the clinical protocol”.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 98, Section 197.398, Line 23 of said page, by inserting after said line the following:

“292.602. 1. The “Missouri Emergency Response Commission”, herein to be known as the commission, is hereby established and is officially domiciled in the department of public safety. The commission shall be composed of the director of the department of economic development, or his designee; the director of the department of natural resources, or his designee; the director of the department of public safety, or his designee; the director of the department of health, or his designee; six members appointed by the governor with the advice and consent of the senate; one to represent transporters of hazardous materials; one to represent Missouri industry; one to represent local government; one chief fire officer from a recognized fire department or fire protection district; one police officer of the rank of captain or above from a recognized county or municipal police department; and one to represent the general public and four members of the general assembly, two of whom shall be appointed by the speaker of the house and two of whom shall be appointed by the president pro tem of the senate. All members of the commission shall represent the general interest of the public and shall, to the extent practicable, have technical expertise in the emergency response field. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of three years, two shall have a term of two years and two will have a term of one year. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause.

2. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties.

3. The Missouri emergency response commission in conjunction with the department shall:

(1) Carry out those responsibilities designated under sections 292.600 to 292.625 and implement sections 292.600 to 292.625 and the Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499, as amended, and all rules and regulations promulgated pursuant thereto, herein to be known as the Federal Act;

(2) Designate local emergency planning districts, **including a district encompassing any city with a population of at least seventy thousand but not more than seventy-three thousand located in a county of the first classification without a charter form of government and with a population of at least eighty-one thousand but not more than eighty-five thousand inhabitants**, to facilitate preparation and implementation of emergency plans, appoint members of a local emergency planning committee for each local emergency planning district, support and coordinate the activities of such committees, review the emergency plans submitted by local emergency planning committees, and make recommendations to the local emergency planning committees regarding those plans;

(3) Establish a single filing point for all reports and filings that are required to be submitted to the commission under the provisions of sections 292.600 to 292.625 and the Federal Act;

(4) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625;

(5) Provide assistance to the local emergency planning committees for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and the Federal Act by utilizing all available expertise both public and private, including, but not limited to, the departments of natural resources, public safety and health;

(6) Provide training to local emergency

planning committees and other local officials to accomplish the purposes and objectives of the Federal Act and the provisions of sections 292.600 to 292.625. The department of public safety will coordinate the provisions of such training and periodically report to the commission on training activities;

(7) Enter into such agreements with other state agencies, local governments and other political subdivisions of the state, the federal government and other persons as is determined to be appropriate to implement the Federal Act and the provisions of sections 292.600 to 292.625;

(8) Allot funds as specified in section 292.604 to local emergency planning committees;

(9) Develop a data management system to store and retrieve information submitted under the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the department will provide assistance to local emergency planning committees and fire departments, fire protection districts, volunteer fire protection services and others to make this information readily available to them for planning and emergency response purposes.”; and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 29, Section 190.054, Line 7, by inserting after all of said line the following:

“190.072. 1. Any two or more contiguous ambulance districts may, by a majority vote of the governing body of each district or by a petition signed by at least seventy-five percent of the owners of real property in the affected area, provide for territory located in one district to be annexed and served by a contiguous district. Notice of the proposed annexation shall be filed with the circuit court in the county in which the affected area is located, or in the circuit court of the county in which the greater physical portion of the affected area is located in the event that such area is located in more than one county.

The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as section 190.020.

2. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from one or more districts and annexed to the other district or districts. The court shall not approve any boundary changes pursuant to this section until all districts involved in such change have provided for, and agreed upon, a plan of compensation for, or assumption of, the outstanding debt attributable to the affected area to be annexed.

3. After the annexation is approved, each district shall amend its decree of incorporation to reflect the change in its boundaries as a result of the annexation, and the governing body of the county shall, prior to any subsequent election for ambulance district board members, redive any election districts established pursuant to section 190.050. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds, in the office of the county clerk in each county having territory in the district and in the office of the secretary of state.

4. The costs incurred in the enlargement or extension of the district shall be taxed to the district being enlarged or extended, unless otherwise provided by the districts in an agreement approved by the circuit court; provided that, no costs shall be taxed to the directors of the district.”; and

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

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 4, Section 34.140, Line 12, by inserting after all of said line the following:

“58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;
- (5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or his deputy shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The coroner or his deputy shall take possession of all property of value found on the body, making exact inventory of such property on his report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or his deputy shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

3. Upon taking charge of the dead body and

before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff and the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of his report.

4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

5. The coroner shall certify the cause of death in any case under his charge when a physician is unavailable to sign a certificate of death.

6. When the cause of death is established by the coroner, he shall file a copy of his findings in his office within thirty days.

7. When a coroner investigates a death, the office of the coroner shall, within seventy-two hours of occurrence or discovery of the death, make the following information, to the extent it is known, available as an incident report for public inspection and copying:

(1) The name, age, address, sex and race of the deceased;

(2) The address or location where the body was found and, if different, the address or location where the death occurred;

(3) The name of the agency to which the death was reported;

(4) The name of the responsible public official notifying the coroner of the death, and the name of the person in charge of the investigation;

(5) The entity taking custody of the body;

(6) Information regarding any autopsy limited to the date, the person who performed the autopsy, where the autopsy was performed and a conclusion as to the reason for death, such limited autopsy information to be available within seventy-two hours of the completion of the autopsy.

[7.] **8.** If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on his own authority may make or cause to be made an autopsy on the body. The coroner may on his own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, he shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

[8.] **9.** If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, he shall make out his warrant directed to the sheriff of the city or county requiring him forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased came to his death.

[9.] **10.** When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, the county from which the person is first removed shall be considered the place of death and the county coroner of the county from which the person was being transferred shall be responsible for the certificate of death and for investigating the cause and manner of the death. If the coroner or medical

examiner in the county in which the person died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination at the expense of such coroner or medical examiner and shall be responsible for the certificate of death and for investigating the cause and manner of the death. Such coroner or medical examiner shall immediately notify the coroner or medical examiner of the county from which the person was being transferred of the death of such person and after an investigation is completed shall notify such coroner or medical examiner of his findings. If a person does not die while being transferred and is institutionalized after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person dies shall immediately notify the coroner or medical examiner of the county from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

[10.] **11.** Except as provided in subsection 9 of this section, if a person dies in one county and his body is subsequently transferred to another county, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[11.] **12.** In performing his duties, the coroner or medical examiner shall make reasonable efforts to accommodate organ donation.

58.740. **1.** The medical examiner shall keep full and complete records in his office, properly indexed, giving the name, if known, of each deceased person investigated under sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765 the place where the body was found, date and cause of death, and all other available information. The original report of the medical examiner or pathologist and the detailed findings of the autopsy, if any, shall be attached to the record of each case. The medical examiner shall promptly deliver to the prosecuting attorney of the county copies of all records relating

to every death in which, in the judgment of such medical examiner, further investigation may be deemed advisable. The prosecuting attorney of the county may obtain from the office of the medical examiner copies of these records or other information which he may deem necessary.

2. When a medical examiner investigates a death, the office of the medical examiner shall, within seventy-two hours of occurrence or discovery of the death, make the following information, to the extent it is known, available for public inspection and copying:

(1) The name, age, address, sex and race of the deceased;

(2) The address or location where the body was found and, if different, the address or location where the death occurred;

(3) The name of the agency to which the death was reported;

(4) The name of the responsible public official notifying the medical examiner of the death, and the name of the person in charge of the investigation;

(5) The entity taking custody of the body;

(6) Information regarding any autopsy limited to the date, the person who performed the autopsy, where the autopsy was performed and a conclusion as to the reason for death, such limited autopsy information to be available within seventy-two hours of the completion of the autopsy.”

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, by inserting in the appropriate location in the bill the following:

“Section 1. A completed application for medical assistance for services described in section 208.152, 1 (4) shall be approved or denied within fifteen days after the division of family services receives all assessments, applications and documentation necessary for the department to make a determination of

eligibility.

The division of medical services shall remit payments to a licensed Medicaid certified nursing home operator who has billed for the Medicaid payment for a newly admitted Medicaid resident in a licensed long-term care facility within forty-five days of the resident’s approval for Medicaid benefits.”; and

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

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 51, Line 10. Preceding said line insert the following new Section 190.110 to read as follows:

“Any nonprofit, public benefit corporation that owned and operated a licensed ambulance service on December 31, 1997, and converts to a for profit corporation, limited liability company, partnership or related entity (the “New Entity”) subsequent to December 31, 2000, and selling substantially all of its assets to such New Entity, shall receive an ambulance service license from the department for the same service area, unless the license of the non profit, public benefit corporation was suspended, revoked or terminated prior to such sale, conversion or similar transaction, upon application of the New Entity to the department and adherence to the rules and regulations of the department promulgated pursuant to sections 190.001 to 190.245 as if the New Entity had operated on December 31, 1997.”

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 955** and has taken up and passed **HB 955**, as amended.

Also,

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

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 244**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 244**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 501** and has taken up and passed **SS** for **SCS** for **HB 501**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 430**.

Bill ordered enrolled.

Also,

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

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 133**, as amended, and has

taken up and passed **SCS** for **HB 133**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 369**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS** for **SCS** for **SB 351**, as amended, and has taken up and passed **CCS** for **HS** for **SS** for **SCS** for **SB 351**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 185** and has taken up and passed **SS** for **SCS** for **HB 185**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 48**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SB 393**, as amended, and has taken up and passed **CCS** for **HS** for **SCS** for **SB 393**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 317**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS for HCS for SCS for SB 236**, as amended, and has taken up and passed **CCS No. 2 for HS for HCS for SCS for SB 236**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS for HCS for SCS for SB 617**, as amended. Representatives: Rizzo, Scheve, Bonner, Byrd and Townley.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House concurs in **SCA 1, SA 2, SA 1 to SA 4, SA 4** as amended to House Bill 262 but refuses to concur in **SA 3** to House Bill 262 and request the Senate to recede from its position on **SA 3** and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **SCR 31**.

Also,

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

SB 266, as amended, and has taken up and passed **CCS for HS for HCS for SCS for SB 266**.

Bill ordered enrolled.

Also,

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

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 17, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill Nos. 5 & 21 entitled:

AN ACT

To repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

On May 17, 2001, I approved said Senate Committee Substitute for Senate Bill Nos. 5 and 21.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry D. Kennett, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 3:00 p.m., Wednesday, May 23, 2001, for a technical session.

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