

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY—WEDNESDAY, APRIL 3, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“To you, O Lord, lift up my soul.” (Psalm 25:1)

Holy and Gracious God, we lift our souls to You, with all our vulnerabilities and faults, our strengths and abilities, recognizing You know us better than we know ourselves. Help us to recognize all that we are before You and capable of doing and make us whole so we may be of greater service to You and Your people. 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.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy

Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Loudon—1

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1385, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester Eugene Carrender, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 56** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 56** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Jacob—2

Absent with leave—Senator Loudon—1

RESOLUTIONS

Senator Klindt moved that **SR 1122** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **SR 1122** was adopted.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 969**, **SB 673** and **SB 855**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Dougherty, the above amendment was withdrawn.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 11, Section 566.145, Line 22 of said page, by inserting after all of said line the following:

“566.151. 1. A person at least twenty-one years of age or older commits the crime of enticement of a child if that person persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen years of age for the purpose of engaging in sexual conduct with a child.

2. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Attempting to entice a child is a class D felony.

4. Enticement of a child is a class C felony unless the person has previously pled guilty to or been found guilty of violating the provisions of this section, section 568.045, 568.050, or section 568.060, RSMo, or chapter 566, RSMo, in which case it is a class B felony.”; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 3, Section 43.540, Line 23 of said page, by inserting after all of said line the following:

“43.653. The state highway patrol is hereby authorized to create, direct, control and supervise the “Missouri Regional Computer Forensics Lab” (RCFL). The state highway patrol has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to

mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The state highway patrol shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Singleton offered SSA 1 for SA 3:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 3, Section 43.540, Line 23 of said page, by inserting after all of said line the following:

“43.653. The Department of Public Safety

is hereby authorized to create, direct, control and supervise the “Missouri Regional Computer Forensics Lab” (RCFL). The Department of Public Safety has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The Department of Public Safety shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a

proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 14, Section 589.417, Lines 2-23 of said page, by striking all of said lines, and inserting in lieu thereof the following:

“589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies, **and to members of the public pursuant to section 589.430.**

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

3. Law enforcement agencies and their employees, state officials, the departments of public safety, corrections, social services and their employees, independent contractors and staff acting at the direction of these agencies

shall be immune from liability in carrying out the provisions of this section and section 589.430, except in instances of gross negligence or willful misconduct.

589.430. 1. As used in this section, the following terms mean:

(1) **“Director”, the director of the department of corrections;**

(2) **“Local law enforcement agencies”, all law enforcement agencies that have jurisdiction in the location where the sex offender resides, is employed, carries on a vocation or is a student;**

(3) **“Sex offender”, any person required to register pursuant to the provisions of section 589.400.**

2. A sex offender shall be assessed on the basis of the offender's risk to commit any act that would require an offender to comply with the provisions of sections 589.400 to 589.425. An assessment of a sex offender shall be conducted in each of the following circumstances:

(1) **The department of corrections releases the offender for supervision in the community;**

(2) **The department of corrections releases the offender from confinement due to completion of sentence or at the direction of a court;**

(3) **The department of corrections accepts the offender for supervision in the community upon court order;**

(4) **The department of corrections is advised by the department of another state that the offender is residing, employed, carrying on a vocation or is a student in this state.**

3. The risk assessment shall be conducted at least ninety days prior to the offender being released into the community by the department of corrections, or as soon as practicable after the department is aware that the offender should be assessed pursuant to subsection 1 of

this section.

4. In making a risk assessment, the department of corrections shall use a risk assessment instrument that considers at a minimum the following factors: the number and nature of sexual offenses committed by the offender; the age of the offender and the victim at the time of the offense; the relationship between the offender and the victim and the degree of vulnerability of the victim; whether force or any weapon was used by the offender in committing the offense; the degree and nature of injury to the victim; and the offender's response to any treatment program that addressed the offender's sexually deviant behavior.

5. Depending on the level of risk determined by the department of corrections, notice shall be provided in accordance with this section and any notice guidelines developed by a notice guideline committee appointed by the director. The notice guideline committee shall be comprised of at least twelve members representing the departments of corrections, public safety, mental health, elementary and secondary education and social services as well as persons with experience in victim's issues, treatment of sex offenders and law enforcement. The committee members shall serve at the discretion of the director and shall receive no compensation but shall be reimbursed by the department of corrections for actual and necessary expenses incurred in the performance of their duties. In developing notice guidelines, the committee shall have access to records of the department of corrections. Any records reviewed by the committee shall remain confidential, and any meeting of the committee at which such confidential records are reviewed shall be a closed meeting, as defined in chapter 610, RSMo.

6. If the sex offender is determined to be low risk, the department of corrections shall notify known victims pursuant to notice

guidelines and the departments of public safety and social services with the results of the risk assessment. The department of corrections shall also forward the results of the risk assessment to all local law enforcement agencies. In response to a question by any member of the public regarding whether or not a particular low risk person is registered with the registry of offenders maintained pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall verbally disclose whether or not the subject of the inquiry is registered, the offense for which the offender was convicted, and the location and telephone number of the local office of the department of corrections providing supervision.

7. If the sex offender is determined to be a moderate risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department of corrections shall also forward the results of the risk assessment to all local law enforcement agencies. The local law enforcement agencies are authorized to provide notice to local schools and day care centers in the area of the offender's residence, employment or place of study in accordance with notice guidelines developed by the notice committee. In response to a question by any member of the public regarding moderate risk sex offenders required to register pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall disclose verbally or through written notice the names of offenders and any known aliases, descriptions of the offenders, the offenders' addresses, the nature of the offenders' convictions, and the location and telephone number of the local office of the department of corrections providing supervision over the offenders.

8. If the sex offender is determined to be high risk, the department of corrections shall

notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department shall also forward the results of the risk assessment to all local law enforcement agencies. The local law enforcement agencies are authorized to provide notice to local schools, day care centers and neighbors in the area of the offender's residence, employment or place of study in accordance with notice guidelines developed by the notice committee. In response to a question by any member of the public regarding high risk sex offenders required to register pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall disclose verbally or through written notice the names of offenders and any known aliases, a description of the offenders, the offenders' addresses, the nature of the offenders' convictions, a copy or access to recent photographs of the offenders, and a description of any motor vehicles owned or operated by the offenders along with license numbers and the locations and telephone numbers at the local office of the department of corrections providing supervision over the offenders.”; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall moved that **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1242—Transportation.

HB 1075—Transportation.

HB 1320—Transportation.

HB 1515—Education.

HB 1569—Commerce and Environment.

HB 1265—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1849—Local Government and Economic Development.

HB 1745—Transportation.

HB 1400—Transportation.

HB 1141—Transportation.

HB 1270—Transportation.

HB 1783—Aging, Families and Mental Health.

HB 1768—Judiciary.

HB 1814—Judiciary.

HB 1712—Judiciary.

HB 1895—Judiciary.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 837, 866, 972 and 990** to the Committee on State Budget Control.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 58—Rules, Joint Rules, Resolutions and Ethics.

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 passed **HB 1412**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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

RECESS

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

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 41** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **SCR 41** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Gross	Quick	Schneider	Staples—4
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Absent with leave—Senator Loudon—1

Senator Cauthorn moved that **HCR 6** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **HCR 6** was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Coleman
DePasco	Dougherty	Foster	Gibbons

Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins—25			

NAYS—Senators—None

Absent—Senators

Bentley	Childers	House	Mathewson
Quick	Schneider	Staples	Yeckel—8

Absent with leave—Senator Loudon—1

Senator Sims moved that **SCR 54** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 54** was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Coleman
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bentley	Childers	Goode	Quick
Schneider	Staples—6		

Absent with leave—Senator Loudon—1

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 840**; and **SB 740**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 894, SB 975** and **SB 927**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 894, 975** and **927**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 894, 975 and 927**

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 894, 975** and **927** be adopted.

Senator Gross assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, Page 3, Section 144.049, Line 73, by adding:

“7. This act shall become law on condition that a pay adjustment for all state employee’s shall be appropriated and paid in the amount of \$1000.00 minimum for each employee; otherwise, this act shall be null and void.”.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Jacob, Kinder and Mathewson.

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

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

Amend Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, Page 3,

Section 144.049, Line 73, by inserting immediately after said line, the following:

“7. This act shall become effective upon the final passage of a balanced budget for the 2003 fiscal year.”.

Senator Jacob moved that the above amendment be adopted.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, by adding: “which shall include a pay raise of at least one thousand dollars per state employee otherwise this act is null and void”.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Stoll, Wiggins and Mathewson.

Senator Jacob raised the point of order that **SA 1** to **SSA 1** for **SA 1** is out of order as it is in the negative.

The point of order was referred to the President Pro Tem.

Senator Jacob raised a second point of order that **SA 1** to **SSA 1** for **SA 1** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the second point of order raised by Senator Jacob not well taken, and the first point of order raised by Senator Jacob well taken.

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

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, by inserting after the word “year” the words “and each year thereafter”.

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

Senator Gibbons assumed the Chair.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, by adding: “and that such budget shall contain a pay raise of at least \$900 per employee for all state employees”.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Stoll, Goode and Mathewson.

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

YEAS—Senators

Bentley	Cauthorn	Coleman	DePasco
Dougherty	Goode	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

NAYS—Senators

Caskey	Childers	Foster	Gibbons
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Gross House Jacob—7

Absent—Senators

Bland Staples—2

Absent with leave—Senator Loudon—1

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

At the request of Senator Jacob, **SSA 1** for **SA 1**, as amended, was withdrawn.

SA 1 was again taken up.

Senator Schneider requested unanimous consent of the Senate to change **SA 1** by deleting “1000.00” and inserting “900.00”, which request was granted.

Senator Schneider moved that **SA 1** be adopted, which motion prevailed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substituted for Senate Bills Nos. 894, 975 and 927, Page 3, Section 144.049, Line 73, by inserting after all of said line the following:

“144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, and the balance, with interest

as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, or refunded, with interest as determined by section 32.065, RSMo, to the person legally obligated to remit the tax, only if duplicate copies of a claim for refund are filed within three years from date of overpayment and:

(1) Where the claim for refund is over one thousand dollars, the person legally obligated to remit the tax demonstrates to the satisfaction of the director of revenue that all incorrectly collected or incorrectly computed amounts were or will be refunded or credited to every purchaser that originally paid the tax;

(2) Refunds under one thousand dollars may not exceed one thousand dollars in the aggregate over any five year time frame; or

(3) In lieu of subdivisions (1) and (2) of this subsection and regardless of the amount of refund claimed, the person legally obligated to remit the tax submits to the director amended sales tax returns showing the correct amount of gross receipts for each reporting period originally filed and proves to the director's satisfaction that the tax originally reported and remitted to the director was paid by such person claiming the refund or credit and was not collected from purchasers.

4. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is

erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

[4.] **5. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 92 and 94, RSMo, shall be remitted based upon the location of the place of business of the purchaser.”; and**

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Quick, Stoll and Wiggins.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bland	DePasco	Dougherty	Goode
Jacob	Johnson	Kennedy	Kenney
Mathewson	Quick	Rohrbach	Schneider
Singleton	Stoll—14		

NAYS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Gross
House	Kinder	Klarich	Klindt
Russell	Sims	Steelman	Westfall
Wiggins	Yeckel—18		

Absent—Senator Staples—1

Absent with leave—Senator Loudon—1

Senator Kinder moved that **SCS** for **SBs 894, 975 and 927**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SBs 894, 975 and 927**, as amended, was declared perfected and ordered printed.

Photographers from the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

Senator Sims moved that **SB 670** and **SB 684**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 670** and **684**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 670 and 684

An Act to repeal sections 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SBs 670** and **684** be adopted.

Senator Sims offered **SS** for **SCS** for **SBs 670** and **684**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 670 and 684

An Act to repeal sections 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for

SBs 670 and **684** be adopted.

Senator Gross assumed the Chair.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 52, Section 565.200, Line 15 of said page, by inserting after all of said line the following:

“630.140. 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;

(2) The guardian or other person having legal custody of the patient, resident or client;

(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep

such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under

chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632, RSMo;

(9) To the department of social services **or the department of health and senior services** as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to

sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, his attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, and to the petitioner and his attorney. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section.

630.167. 1. Upon receipt of a report, the department or its agents, contractors or vendors or the department of health and senior services, if such facility or program is licensed pursuant to chapter 197, RSMo, shall initiate an investigation within twenty-four hours.

2. If the investigation indicates possible abuse or neglect of a patient, resident or client, the investigator shall refer the complaint together with the investigator's report to the department director for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal from a facility not operated or funded by the department is necessary to protect the residents from abuse or

neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the residents in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident for a period not to exceed thirty days.

3. (1) Reports referred to in section 630.165 and the investigative reports referred to in this section shall be confidential, shall not be deemed a public record, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo; except that: complete copies all such reports shall be open and available to the parents or other guardian of the patient, resident, or client who is the subject of such report, except that the names and any other descriptive information of the complainant or other person mentioned in the reports shall not be disclosed unless such complainant or person specifically consents to such disclosure. All reports referred to in this section shall be admissible in any judicial proceedings or hearing in accordance with section 36.390, RSMo, or any administrative hearing before the director of the department of mental health, or the director's designee. All such reports may be disclosed by the department of mental health to law enforcement officers and public health officers, but only to the extent necessary to carry out the responsibilities of their offices, and to the department of social services, **to the department of health and senior services** and to boards appointed pursuant to sections 205.968 to 205.990, RSMo, that are providing services to the patient, resident or client as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents or clients provided that all such law enforcement officers, public health officers, department of social services' officers, **department of health and senior services' officers** and boards shall be obligated to keep such information confidential;

(2) Except as otherwise provided in this section, the proceedings, findings, deliberations, reports and minutes of committees of health care professionals as defined in section 537.035, RSMo, or mental health professionals as defined in section 632.005, RSMo, who have the responsibility to evaluate, maintain, or monitor the quality and utilization of mental health services are privileged and shall not be subject to the discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible into evidence into any judicial or administrative action for failure to provide adequate or appropriate care. Such committees may exist, either within department facilities or its agents, contractors, or vendors, as applicable. Except as otherwise provided in this section, no person who was in attendance at any investigation or committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding or to disclose any opinion, recommendation or evaluation of the committee or board or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before any committee or in the course of any investigation, nor is any member, employee or agent of such committee or other person appearing before it to be prevented from testifying as to matters within their personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about the testimony or other proceedings before any investigation or before any committee;

(3) Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from investigation committees or to require disclosure of otherwise confidential information relating to matters and investigations within the

jurisdiction of such health care licensing boards; provided, however, that such information, once obtained by such board and associated persons, shall be governed in accordance with the provisions of this subsection;

(4) Nothing in this section shall limit authority otherwise provided by law in subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042 and the entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this section shall serve to negate assurances that have been given by the governor of Missouri to the U.S. Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services concerning access to records by the agency designated as the protection and advocacy system for the state of Missouri. However, such information, once obtained by such entity or agency, shall be governed in accordance with the provisions of this subsection.

4. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil liability for making such a report or for testifying unless such person acted in bad faith or with malicious purpose.

5. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

6. No person who directs or exercises any authority in a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client or employee because he or she or any member of his

or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he or she has reasonable cause to believe has been committed or has occurred.

7. Any person who is discharged as a result of an administrative substantiation of allegations contained in a report of abuse or neglect may, after exhausting administrative remedies as provided in chapter 36, RSMo, appeal such decision to the circuit court of the county in which such person resides within ninety days of such final administrative decision. The court may accept an appeal up to twenty-four months after the party filing the appeal received notice of the department's determination, upon a showing that:

(1) Good cause exists for the untimely commencement of the request for the review;

(2) If the opportunity to appeal is not granted it will adversely affect the party's opportunity for employment; and

(3) There is no other adequate remedy at law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 28, Section 191.910, Lines 2-7, by deleting in line 2 all words after the “;”, all of lines 3-6 and in line 7 everything before the word “and”; and

Further amend said bill, page 28, Section 191.910, line 14, by deleting the following:

“, **including investigative subpoenas**,”; and

Further amend said bill, page 28, Section 191.910, line 20, by deleting the words “**either**

commence a state prosecution or””.

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

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 61, Section 660.610, by inserting after all of said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(c) **After September 1, 2004, successful completion of a course or courses in first aid and cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or such other courses approved by the state board of education, with no certificate being issued pursuant to this section without successful course completion;**

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

(3) By the state board, which shall issue the

professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; [and]

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed; **and**

(d) After September 1, 2004, successful completion of a course or courses in first aid and cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or such other courses approved by the state board of education, with no certificate being issued pursuant to this section without successful course completion.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to

teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.”; and

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

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

Senator Kennedy offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 39, Section 198.067, Line 23, by inserting after all of said line the following:

“198.074. 1. Long term care facilities, adult day care facilities, residential care facilities I and residential care facilities II shall make immunizations for influenza and pneumonia available to residents sixty-five years of age or

older, on-site on a yearly basis or upon admission. Written consent for such immunizations shall be given by the resident and his or her physician. The department shall prescribe by rule, the manner by which such facilities shall document compliance with this section, including documenting residents who refuse to be immunized. The department shall not impose a violation on a licensee for not making an immunization available if there is a shortage of that immunization in this state as determined by the director of the department of health and senior services.

2. 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, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Steelman offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 1, Section 198.074, Lines 3-4, by deleting the words “adult day care facilities,”; and further amend said page,

said section, line 15 by adding the following at the end of said line: “**Adult day care facilities shall inform and assist their clients regarding immunizations.**”.

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

SA 4, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 61, Section 660.610, Line 8, by inserting after the word “press” the following: “**and to the legal guardian or next of kin of the residents of said facility**”.

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

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 36, Section 198.067, Line 14, by deleting the words “or attorney general”.

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

Senator Klarich offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Pages 52 and 53, Section 660.030, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 35, Section 198.032, Line 8, by deleting all of said line; and further amend line 9, by deleting the words “anonymously, the” and inserting in lieu thereof the following: “**4. The**”; and further amend said line, by deleting the word “after” and inserting in lieu thereof the word “**before**”; and further amend said section, said page, line 11, by deleting the words “attempt to”.

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

Senator Klindt offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 40, Section 198.082, Line 2, by deleting the words “one hundred twenty days” and inserting in lieu thereof the following: “**six months**”; and further amend said section, page 41, line 4, by deleting the words “one hundred twenty days” and inserting in lieu thereof, the following: “**six months**”.

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

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 7, Section 187.020, Lines 1-4, by deleting all of said lines and substituting in lieu thereof the following:

“**3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.**”.

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

Senator House offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Pages 35 and 36, Section 198.033, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 15, Section 187.050, Lines 14 and 15, by deleting said lines and replace in lieu thereof the following:

“6. Reports shall be confidential unless determined by a court of competent jurisdiction to the contrary at the courts discretion, or upon a request for an expedited hearing. Such”; and

Further amend said section, line 19, by deleting said line and replace in lieu thereof the following:

“individual with a durable power of attorney allowing such individual the receipt of such information, or any”; and

Further amend said bill, page 12, Section 187.028, Lines 4-5, by deleting said lines, and replace in lieu thereof the following:

“5. Reports shall be confidential unless determined by a court of competent jurisdiction to the contrary at the courts discretion, or upon a request for an expedited hearing. Such”; and

Further amend on line 9, by deleting said line and inserting in lieu thereof the following: “individual with a durable power of attorney

allowing such individual the receipt of such information, or any”.

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

Senator Stoll offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 8, Section 187.024, Lines 8 and 9, by deleting the words “resident’s next of kin” and substituting in lieu thereof the word “**person**”.

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

Senator Sims moved that **SS** for **SCS** for **SBs 670** and **684**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **SBs 670** and **684**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1386, regarding Lafayette High School, Wildwood, which was adopted.

Senator Sims offered Senate Resolution No. 1387, regarding Meredith Anne Nowicke, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1388, regarding Leetah Nickel, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1389, regarding Leslie Joy Paule, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1390, regarding Caitlin O’Day, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1391, regarding Michelle Pfaender, Arnold, which was adopted.

Senator Sims offered Senate Resolution No. 1392, regarding Lindsey Frances Moore, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1393, regarding Theresa Muehlhauser, which was adopted.

Senator Sims offered Senate Resolution No. 1394, regarding Ashley Mensinger, Black Jack, which was adopted.

Senators House and Gross offered Senate Resolution No. 1395, regarding Randall J. "Randy" Santel, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1396, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Antrobus, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Andy Holtgrieve, St. Charles.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Jacob E. Locke, M.D., St. Louis.

Senator Foster introduced to the Senate, John Robertson, Kennett; and David Blackmore, Campbell.

Senator Klindt introduced to the Senate, Tina Wilsen and 21 students and adults from Harrison County R-4 School, Gilman City.

Senator Caskey introduced to the Senate, members of the Student Government Association from Central Missouri State University, Warrensburg.

Senator Bentley introduced to the Senate, representatives of MAOPS from around the state.

Senator Sims introduced to the Senate, 90 fourth grade students from Willowbrook Elementary School, St. Louis.

On behalf of Senator Loudon, Senator Sims

introduced to the Senate, students from Carrollton Elementary School, St. Louis; and Dalton Denson, Sean Mulikey, Jessica Combs, Regan Cook and Josh Dellosa were made honorary pages.

Senator Cauthorn introduced to the Senate, Jonah, Josh, Jake and Julia Barry, Clarence; and Jonah, Josh and Jake were made honorary pages.

Senator Steelman introduced to the Senate, Denise Besemer and 34 eleventh and twelfth grade students from Steelville R-3 School, Crawford.

Senator Kennedy introduced to the Senate, Nan Thomas, Mary Rice and Theresa and Roland Mayer, St. Louis.

Senator Mathewson introduced to the Senate, former State Senator J.B. "Jet" Banks, St. Louis.

Senator Rohrbach introduced to the Senate, Mark Bruns, Jefferson City.

Senator Gross introduced to the Senate, fourth grade students from Benton Elementary School, St. Charles.

Senator Caskey introduced to the Senate, Mrs. Bonnie Manion, Mr. Richard Orr, Mrs. Carolyn Harms and third, fourth, fifth and sixth grade students from Windsor Elementary School, Windsor; and Rachel Hamilton, Dillon Johnson, Nathan Brennan, Clint Schweitzer and Baillie Strong were made honorary pages.

Senator Russell introduced to the Senate, Orville and Mary Carolyn Burkemper, Camdenton.

Senator Kenney introduced to the Senate, Donald and Joanne McCarty, Bates City; Helen Fluke, Billy and Willa Stork, Eugene Storey, Elizabeth Branson, Helen Howell, Judy Fundis and Catherine Curtis, Independence; Keith Hardin, Richmond; Lois Benshoof, Blue Springs; Alice Hicks and Helen Owings, Dan and Kathleen Baer and Willa Mae Thomas, Oak Grove; and Robert Hacklen, Republic.

Senator Sims introduced to the Senate, Mrs.

Helen Dirck, Sheila Dirck, Linda Hennessey, Ed Dirck, Jr. and Cathy Dirck and June Deering, St. Louis; and Lee and Jerry Schwartz, Jefferson City.

Senator Bentley introduced to the Senate, Tellus Truesdale, Winnebago, Illinois; Bryan Osterloh and Wesley Murphy, Marionville; Jason Stubbs, Williamston, Michigan; Luke Arthur, Houston; Preston Ingram, Steve Jenkins, Rhonda Jenkins and Anthony Moore, Springfield; Daniel Cutbirth, Hurley; John Spears, Columbia, South Carolina; Grant Curtis, Lawson; Dimitrius Breedlove, Orlando, Florida; Chad Sleeper, Houston, Texas; Judd Broxson, Pensacola, Florida; and Bert Capel, Erlanger, Kentucky.

Senator Rohrbach introduced to the Senate, Florence Kroeck, Stella Smith, Faye Barry, Shirley

Ball, Audrey Jenkins, Carol Barbour, Sue Rouse and Loretta Hutchison, California.

Senator DePasco introduced to the Senate, former State Representative Alex Fazzino, Kansas City.

Senator Johnson introduced to the Senate, Junior Girl Scout Troop #18 from the Park Hill School District, Kansas City.

Senator Kenney introduced to the Senate, Alan Flory, John Faulkenberry, Linda Wallis, Ann Starlin-Horner, Mary Stilley, Shawn Gordon, Diane Forte, Lynn Hinkle, Barbara Uhlig, Lacy Gambill, Shirley Daus and Anne Pedersen, Lee's Summit; and David Cornelius, Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY—THURSDAY, APRIL 4, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
HS for HB 1399-Ransdall
HCS for HB 1154
HB 1192-Harding and Boucher
HCS for HBs 1134, 1100 & 1559
HCS for HB 1451
HCS for HB 1425
HB 1634-Hoppe
HCS for HBs 1150, 1237 & 1327
HCS for HB 1711
HCS for HB 1398
HS for HB 1498-Johnson (90th)

HB 1432-Foley
HB 1672-Gambaro, et al
HB 1581-Clayton
HB 1418-Relford, et al
HCS for HB 1765
HS for HCS for HB 1906-Green (73rd)
HCS for HB 1817
HS for HCS for HB 1877-Foley
HB 1592-Hickey, et al
HS for HCS for HB 1532-Hoppe
HCS for HB 1898

HCS for HB 1403
 HCS for HB 1202
 HCS for HBs 1344 & 1944
 HS for HB 1994-Hosmer
 HS for HCS for HB 1440-
 Riback Wilson
 HS for HB 1496-Green (73rd)

HCS for HB 1556
 HB 1748-Ransdall
 HS for HCS for HB 1762-Harding
 HCS for HB 1689
 HB 1851-Curls
 HB 1795-Berkowitz, et al
 HB 1412-Skaggs and Hosmer

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross
 SB 740-Wiggins

SS for SCS for SBs 837, 866,
 972 & 990-Cauthorn
 (In Budget Control)

Unofficial

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley, et al,
 with SCS
 2. SB 1052-Sims, with SCS
 3. SB 884-DePasco and
 Kenney, with SCS
 4. SBs 984 & 985-
 Steelman, with SCS
 5. SB 1046-Gross and
 House, with SCS
 6. SB 1103-Westfall, et al
 7. SBs 915, 710 & 907-
 Westfall, et al, with SCS
 8. SBs 923, 828, 876, 694
 & 736-Sims, with SCS
 9. SB 676-Yeckel, et al, with SCS
 10. SB 900-Goode, et al, with SCS
 11. SB 1107-Childers, with
 SCS
 12. SB 912-Mathewson,
 with SCS
 13. SB 892-Kenney, with SCS

14. SB 910-Gibbons
 15. SB 1104-Mathewson
 16. SB 954-Loudon, with SCS
 17. SB 1014-Klindt and Kinder
 18. SB 1152-Klarich, with SCS
 19. SBs 766, 1120 & 1121-
 Steelman, with SCS
 20. SB 926-Kenney, et al,
 with SCS
 21. SB 1140-Rohrbach
 22. SBs 1112 & 854-Caskey
 and Russell, with SCS
 23. SB 1111-Quick, with SCS
 24. SB 689-Gibbons, et al,
 with SCS
 25. SB 938-Cauthorn, et al
 26. SB 1087-Gibbons,
 et al, with SCS
 27. SBs 1279, 1162 & 1164-
 Kinder and Wiggins,
 with SCS

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28. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
29. SB 971-Klindt, et al,
with SCS

30. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
31. SB 1010-Sims

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,
et al, with SCS (pending)
SB 647-Goode, with SCS
SB 651-Singleton and
Russell, with SCS (pending)
SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)

SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS
for SCS & SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 958 & 657-Kinder, with SCS
SB 1005-Loudon
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 1115, with SCS
(Russell)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1
HCR 5-Reynolds
HCR 7-Boykins and Barry

HS for HCR 15-O'Toole,
et al (DePasco)
SCR 43-Loudon, with SCS

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