

JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

FIFTY-FIRST DAY, MONDAY, APRIL 10, 2000

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, as we pray, help us to place our actions in harmony with Your will. We are ashamed that we have done so little with so much, yet we press on to do better. Give us a sense of what is vital in life, lest we squander our days on inflated trifles.

Bless our Nation. Bless our State. Bless this House.

And to You be glory and honor, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fiftieth day was approved as corrected by the following vote:

AYES: 088

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	George	Graham 24	Gratz	Green
Griesheimer	Gunn	Hagan-Harrell	Hampton	Harlan
Hegeman	Hickey	Hilgemann	Hollingsworth	Hosmer
Kelly 27	Kennedy	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Liese
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murray	O'Connor
O'Toole	Overschmidt	Parker	Ransdall	Relford
Reynolds	Riley	Rizzo	Scheve	Schilling
Seigfreid	Selby	Shelton	Skaggs	Smith
Surface	Thompson	Treadway	Troupe	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 066

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Burton	Champion	Chrismer	Cierpiot
Crawford	Dolan	Elliott	Enz	Evans
Foster	Gaskill	Gibbons	Graham 106	Gross
Hanaway	Hartzler 123	Hendrickson	Hohulin	Holand
Howerton	Kasten	Kelley 47	King	Legan
Levin	Linton	Lograsso	Long	Loudon
Luetkemeyer	Marble	McClelland	Miller	Murphy
Myers	Naeger	Ostmann	Patek	Phillips

Pouche 30	Purgason	Reinhart	Richardson	Ridgeway
Robirds	Ross	Schwab	Scott	Secrest
Shields	Summers	Townley	Tudor	Vogel
Wright				

PRESENT: 001

Reid

ABSENT WITH LEAVE: 006

Hartzler 124	Hoppe	Nordwald	Pryor	Sallee
Stokan				

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1046 - Representatives Riley, Wilson (42) and Curls
House Resolution No. 1047 - Representatives Fraser and Bray
House Resolution No. 1048 - Representative Gunn, et al
House Resolution No. 1049 - Representative Backer
House Resolution No. 1050 - Representative Williams (159)
House Resolution No. 1051 - Representative Long
House Resolution No. 1052 - Representative Patek
House Resolution No. 1053
and
House Resolution No. 1054 - Representative Fitzwater
House Resolution No. 1055
through
House Resolution No. 1068 - Representative Cierpiot
House Resolution No. 1069 - Representative Harlan
House Resolution No. 1070 - Representatives Riback Wilson (25), Harlan,
Graham (24) and Farnen
House Resolution No. 1071 - Representative Williams (121)

SECOND READING OF HOUSE BILLS

HB 2154 and **HB 2155** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 597, **SS SCS SBs 867 & 552**, **SB 944** and **SB 1017** were read the second time.

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HBs 1652 & 1433**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HS HCS HBs 1652 & 1433 - Fiscal Review (Fiscal Note)

PERFECTION OF HOUSE BILLS

HB 1603, with House Committee Amendment No. 1 and House Committee Amendment No. 2, relating to motor vehicle franchise practices, was taken up by Representative O'Connor.

Representative May (108) offered **HS HB 1603**.

Representative May (108) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Bill No. 1603, Page 13, Section 407.822.2, Line 2, by inserting the word "if" after the word "that" and before the word "such".

Speaker Pro Tem Kreider assumed the Chair.

On motion of Representative May (108), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Substitute for House Bill No. 1603, Page 9, Section 407.817, Line 15 of said page, by inserting after all of said line the following:

"6. The provisions of this section shall not apply to recreational motor vehicles, as defined in section 301.010, RSMo, or recreational motor vehicle franchisors or franchisees."; and

Further amend said bill, Page 33, Section 407.825, Line 6 of said page, by inserting immediately after the letter "(f)" the following: **"and subdivisions (17), (18), (19) and (20)"**; and

Further amend said bill, Page 37, Section 407.923, Line 20 of said page, by inserting after all of said line the following:

"6. The provisions of this section shall not apply to recreational motor vehicles, as defined in section 301.010, RSMo, or recreational motor vehicle franchisors or franchisees."; and

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

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

Representative O'Connor offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Bill No. 1603, Page 33, Section 407.826, Line 15 of said page, by inserting immediately after the word "**products.**" the following:

"As used in this section, the term "factory" shall not mean a person that is primarily engaged in the business of rental of motor vehicles and activities incidental to that business if all of the following conditions are satisfied:

(1) Vehicles sold by such person are limited to used motor vehicles that have been previously used exclusively and regularly by such person in the conduct of business, and used motor vehicles traded in on motor vehicles sold by such person;

(2) Warranty repairs performed by such person on motor vehicles are limited to those motor vehicles that are owned, previously owned or taken in trade by such person; and

(3) Motor vehicle financing provided by such person to retail consumers for motor vehicles is limited to vehicles sold by such person in the conduct of business."; and

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

On motion of Representative O'Connor, **House Amendment No. 3** was adopted.

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

House Amendment No. 4 was withdrawn.

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

House Amendment No. 4

AMEND House Substitute for House Bill No. 1603, Page 37, Section 407.826, Line 20, by inserting after all of said line the following:

"578.100. 1. Whoever engages on Sunday in the business of selling or sells or offers for sale on such day, at retail, [motor vehicles;] clothing and wearing apparel; clothing accessories; furniture; housewares; home, business or office furnishings; household, business or office appliances; hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs; is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a fine of not exceeding one hundred dollars, and for the second or any subsequent offense be sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not exceeding thirty days in the county jail in default thereof.

2. Each separate sale or offer to sell shall constitute a separate offense.

3. Information charging violations of this section shall be brought within five days after the commission of the alleged offense and not thereafter.

4. The operation of any place of business where any goods, wares or merchandise are sold or exposed for sale in violation of this section is hereby declared to be a public and common nuisance.

5. Any county of this state containing all or part of a city with a population of over four hundred thousand may exempt itself from the application of this section by submission of the proposition to the voters of the county at a general election or a special election called for that purpose, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of this section shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the

county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to, the following language:

FOR the exemption of county from the Sunday sales law
AGAINST the exemption of county from the Sunday sales law

If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of this section shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of this section shall continue to apply and be enforced within that county. The exemption of any county from the provisions of this section shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes.

6. In addition to any other method of exemption provided by law, the governing body of any county of this state may exempt itself from the application of this section by order or ordinance of the governing body of the county after public hearing upon the matter. Such public hearing shall be preceded by public notice which shall, at a minimum, be published at least three different times in the newspaper with the greatest circulation in the county. Upon such order or ordinance becoming effective, such county shall be exempt from the provisions of this section and no election or other method of exemption shall be required. The exemption of any county from the provisions of this section by order or ordinance shall not become effective in that county until the order or ordinance has been filed with the secretary of state and the revisor of statutes and has been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes.

[578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer, distributor or manufacturer licensed under section 301.559, RSMo, may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

2. No association consisting of motor vehicle dealers, distributors or manufacturers licensed under section 301.559, RSMo, shall be in violation of antitrust or restraint of trade statutes under chapter 416, RSMo, or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle.

3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.]"; and

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

Representative Campbell moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 017

Backer	Barnett	Bray 84	Campbell	Clayton
Graham 24	Harlan	King	Koller	Legan
McLuckie	Monaco	Pouche 30	Ross	Seigfreid
Van Zandt	Williams 121			

NOES: 126

Abel	Akin	Alter	Auer	Ballard
Barry 100	Bartelsmeyer	Bennett	Berkowitz	Berkstresser
Black	Blunt	Boatright	Bonner	Boucher 48
Britt	Burton	Champion	Chrismer	Cierpiot
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford

Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Gratz
Green	Griesheimer	Gross	Gunn	Hampton
Hanaway	Hartzler 123	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kissell
Klindt	Kreider	Lakin	Lawson	Leake
Levin	Liese	Linton	Lograsso	Long
Luetkemeyer	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Miller	Murray
Myers	Naeger	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pryor
Purgason	Ransdall	Reinhart	Relford	Reynolds
Richardson	Rizzo	Robirds	Scheve	Schilling
Schwab	Scott	Secrest	Selby	Shelton
Shields	Smith	Summers	Surface	Thompson
Townley	Treadway	Tudor	Vogel	Wagner
Ward	Wiggins	Williams 159	Wilson 25	Wright

PRESENT: 006

Bartle	Boykins	Reid	Riley	Troupe
Wilson 42				

ABSENT WITH LEAVE: 012

Hagan-Harrell	Hartzler 124	Hoppe	Kennedy	Loudon
Luetkenhaus	Murphy	Nordwald	Ridgeway	Sallee
Skaggs	Stokan			

VACANCIES: 002

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

Representative Relford raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 5

AMEND House Substitute for House Bill No. 1603, Page 3, Section 407.815, Lines 9-12, by deleting said lines and inserting in lieu thereof the following:

“vehicles or used motor vehicles taken in trade or new motor vehicles or used motor vehicles purchased for resale and who receive reimbursement for warranty labor and parts”; and

Further amend said section, Pages 4 and 5, by deleting Line 24 on Page 4, and Lines 1 through 5 on Page 5.

Representative Green offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

House Substitute Amendment No. 1 for House Amendment No. 5 was withdrawn.

Representative Pryor moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative May (108) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Bill No. 1603, Page 4, Section 407.815, Lines 2-4, by deleting the words “motor vehicle financing, credit insurance, service contracts and/or motor vehicle insurance”.

On motion of Representative May (108), **House Amendment No. 6** was adopted.

Representative Elliott offered **House Amendment No. 7**.

Representative May (108) raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hanaway offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Bill No. 1603, Page 34, Section 407.823, Line 1 of said page, by inserting after the word "**dealer**" the words"; or

- (5) Own any ownership interest or have any financial interest in an auto body repair service provider;
- or
- (6) Own any ownership interest or have any financial interest in a provider of motor vehicles for lease or rent; or
- (7) Own any ownership interest or have any financial interest in a provider of routine maintenance services".

On motion of Representative Hanaway, **House Amendment No. 7** was adopted.

Representative Legan offered **House Amendment No. 8**.

Representative May (108) raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Shields offered **House Amendment No. 8**.

House Amendment No. 8 was withdrawn.

On motion of Representative May (108), **HS HB 1603, as amended**, was adopted by the following vote:

AYES: 130

Abel	Akin	Auer	Ballard	Barry 100
Bartelsmeyer	Bennett	Berkowitz	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Britt
Burton	Champion	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Enz	Evans	Farnen
Fitzwater	Foley	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Kreider	Lawson	Leake
Levin	Liese	Linton	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murphy	Murray	Myers	Naeger	O'Connor
O'Toole	Overschmidt	Patek	Phillips	Pouche 30
Purgason	Ransdall	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Scheve	Schilling	Schwab	Secrest	Seigfreid
Selby	Shelton	Shields	Smith	Summers
Surface	Thompson	Treadway	Troupe	Tudor
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 021

Alter	Backer	Barnett	Berkstresser	Campbell
Chrismer	Elliott	Koller	Lakin	Legan
Lograsso	Mays 50	Ostmann	Parker	Pryor
Reid	Ross	Scott	Skaggs	Townley
Van Zandt				

PRESENT: 002

Bartle	Griesheimer
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ABSENT WITH LEAVE: 008

Bray 84	Ford	Hartzler 124	Hoppe	Miller
Nordwald	Sallee	Stokan		

VACANCIES: 002

On motion of Representative May (108), **HS HB 1603, as amended**, was ordered perfected and printed.

HCS HB 1711, relating to prescription drug costs, was taken up by Representative Abel.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by deleting the number “**376.891**” and inserting in lieu thereof the number “**376.845**”; and

Further amend said bill, Page 1, Section 376.891, Line 1, by deleting the number “**376.891**” and inserting in lieu thereof the number “**376.845**”; and

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

Further amend Page 1, Line 9, by adding after the word prescription the following:

“**The division of medical services (DMS) shall collect costs of adjudication by the division from the reimbursement to be paid to the enrolled Title XIX provider through the Medicaid remittance advices.**”; and

Further amend on Page 2, Lines 31 and 32, by adding a “.” after 2001 and deleting the rest of subsection 5.

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1711, Page 2, Section 376.891, Line 32, by inserting after all of said line the following:

"Section 1. The medical assistance program established in section 208.151, RSMo, shall provide prescription drug coverage of nonsystemic drugs for the treatment of obesity, which are approved by the federal Food and Drug Administration, for eligible persons according to appropriate criteria established by the department. Such criteria shall include coverage for eligible patients that have a body mass index equal to or greater than twenty-seven kg/m² with the presence of another risk factor including diabetes, cardiovascular disease, hypertension, stroke or dyslipidemia. Such coverage may be subject to prior authorization or to a retrospective drug utilization review process."; and

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

Representative Dougherty assumed the Chair.

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

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

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

Representative Dougherty requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

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

Representative Dougherty requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

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

Representative Dougherty requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Speaker Pro Tem Kreider resumed the Chair.

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

The Chair ruled the point of order well taken.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1711, Page 2, Section 376.891, Line 20, by inserting after the word "medications." the following: "**nor medications available over-the-counter and written as a prescription.**".

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1711, Page 2, Section 376.891, Line 32, by inserting after all of said line the following:

"Section 1. 1. The department of social services shall make dispensing and pharmacist service payments to any pharmacy that has a valid Medicaid provider agreement with the department. The department shall establish dispensing and pharmacist service fees pursuant to regulations promulgated by the department of

social services. Such fees shall equal or exceed the cost incurred by a pharmacy to provide such dispensing and services.

2. Upon establishment of the fee pursuant to subsection 1 of this section, the department shall reevaluate the amount of such fee at least once every two years, but not more than once a year.

3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. No individual or group health insurance policy providing coverage on an expense incurred basis, no individual or group service or indemnity type contract issued by a not for profit corporation, no individual or group service contract issued by a health maintenance organization, no self-insured group arrangement, to the extent not preempted by law, and no managed health care entity plan of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 2000, which provide coverage for pharmaceutical benefits or services shall reimburse any pharmacy or pharmacist for dispensing any prescription or providing any service at less than the rate paid by the department of social services for the same fees or services pursuant to section 1 of this act.

Section 3. No policy, contract or plan shall permit or mandate any difference in coverage for or impose any different conditions, including, but not limited to, copayments, deductibles or coinsurance or the number of days for the supply of the drug, whether the prescription benefits are provided through direct contact with a pharmacy or by use of a mail order pharmacy so long as the provider selected is a participant in the plan involved.”

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

Representative Hollingsworth raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

HCS HB 1711, as amended, with House Amendment No. 4, pending, was laid over.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 756 - Public Safety and Law Enforcement

SS#2 SCS SBs 757 & 602 - Civil and Administrative Law

SCS SB 763 - Public Safety and Law Enforcement

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SB 779**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Agriculture, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **SCR 27**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Agriculture, to which was referred **SCS SB 540**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 722**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Commerce, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **HB 1357**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Consumer Protection and Housing, Chairman Schilling reporting:

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **SB 643**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Correctional and State Institutions, Chairman Gratz reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 618**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2**.

House Committee Amendment No. 1

AMEND Senate Bill No. 618, Page 1, In the Title, Lines 2 and 3, by striking all of said lines and inserting in lieu thereof the following:

"To repeal section 217.541, RSMo 1994, and sections 21.455, 217.015 and 217.305, RSMo Supp. 1999, relating to the department of corrections, and to enact in lieu thereof five new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 through 3, by striking all of said lines, and inserting in lieu thereof the following:

"Section A. Section 217.541, RSMo 1994, and sections 21.455, 217.015 and 217.305, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 21.455, 217.015, 217.287, 217.305 and 217.541, to read as follows:

21.455. It shall be the duty of the committee:

- (1) To make a continuing study and analysis of penal and correctional problems as they relate to this state;
- (2) To devise and arrange for a long-range program for the department and its correctional centers based on a plan of biennial development and making the recommendation of any required correctional centers in the state in accordance with the general assembly's powers of appropriation;

(3) To inspect **or have the committee's designee from the joint committee on legislative research or the joint committee on capital improvements and leases oversight or any other person designated by the committee inspect** at least once [each year] **biennially** and as necessary all correctional facilities and properties under the jurisdiction of the department of corrections [and of the division of youth services];

(4) To make a continuing study and review of the department of corrections and the correctional facilities under its jurisdiction, including the internal organization, management, powers, duties and functions of the department and its correctional centers, particularly, by way of extension but not of limitation, in relation to the:

- (a) Personnel of the department;
- (b) Discipline of the correctional facilities;
- (c) Correctional enterprises;
- (d) Classification of offenders;
- (e) Care and treatment of offenders;
- (f) Educational and vocational training facilities of the correctional centers;
- (g) Location and establishment of new correctional centers or of new buildings and facilities;
- (h) All other matters relating to the administration of the state's correctional centers which the committee deems pertinent; and

(i) Probations and paroles;

(5) [To make a continuing study and review of the institutions and programs under the jurisdiction of the division of youth services;

(6)] To study and determine the need for changes in the state's criminal laws as they apply to correctional centers and to sentencing, commitment, probation and parole of persons convicted of law violations;

[(7)] **(6)** To determine from such study and analyses the need for changes in statutory law or administrative procedures;

[(8)] **(7)** To make recommendations to the general assembly for legislative action and to the department of corrections [and to the division of youth services] for administrative or procedural changes."; and

Further amend said bill, Page 2, Section 217.287, Line 11, by inserting immediately after said line the following:

"217.305. 1. The sheriff or other officer charged with the delivery of persons committed to the department for confinement in a correctional center shall deliver the person to the reception and diagnostic center designated by the director at times and dates as designated by the director and shall receive a certificate of delivery of the offender from the center.

2. Appropriate information relating to the offender shall be provided to the department in a written or electronic format, at or before the time the offender is delivered to the department, including, but not limited to:

(1) A copy of the sentence received from the clerk of the sentencing court. If provided in written form, this document shall be certified by the court;

(2) All other judgment, sentencing and commitment orders of the court, or such documents as authorized by the prosecuting attorney or circuit attorney or required by the department;

(3) Further information regarding the offender's age, crime for which sentenced and circumstances surrounding the crime and sentence, personal history, which may include facts related to his home environment, work habits and previous convictions and commitments. Such information shall be prepared by the prosecuting attorney of the county or circuit attorney of any city not within a county who was charged with the offender's prosecution;

(4) Information regarding all significant aspects of the offender's physical and mental condition, including any currently prescribed medication and any attempts to commit suicide. Such information shall be prepared by the sheriff or other officer charged with delivering the offender to the department and shall include copies of all medical and mental health documents in the possession of jail personnel relating to the offender.

217.541. 1. The department shall by rule establish a program of house arrest. The director or [his] a designee may extend the limits of confinement of offenders serving sentences for [class C or D] felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program. **Offenders who are serving sentences for dangerous felonies, as defined in section 556.061, RSMo, or identified as predatory sexual offenders, as defined in section 558.018, RSMo, are not eligible for participation in the house arrest program.**

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state board of probation and parole.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave [his] **such offender's** place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The board of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested [under] **pursuant to** this section shall remain in custody or incarcerated without consideration of bail. The director or [his] **a** designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional [facility] **center** of the department for reclassification.

6. Each offender who is released to house arrest shall pay a [percentage of his] **per diem rate from such offender's** wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate **revolving** fund and shall be expended to support the house arrest program."; and

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

House Committee Amendment No. 2

AMEND Senate Bill No. 618, Page 1, In the Title, Line 2, by inserting immediately after the word "section" the following: "**217.750, RSMo 1994, and section**"; and

Further amend the title, Line 3, by striking the word "two" and inserting in lieu thereof the word "**three**"; and

Further amend said bill, Section A, Line 1, by inserting immediately before "217.015" the following: "**217.750, RSMo 1994, and section**"; and

Further amend Section A, Line 1, by striking the word "two" and inserting the word "**three**"; and

Further amend Section A, Line 2, by striking the following: "and 217.287" and inserting in lieu thereof the following: "**217.015, 217.287 and 217.750**"; and

Further amend said bill, Page 2, Section 217.287, Line 11, by inserting immediately after said line the following:

"217.750. 1. At the request of a judge of any circuit court, the board shall provide probation services for such court as provided in subsection 2 of this section.

2. The board shall provide probation services for any person convicted of any class of felony. The board shall not be required to provide probation services for any class of misdemeanor except those class A misdemeanors the basis of which is contained in chapters 565, 566 and 570, RSMo, or in section **568.040, RSMo**, 568.050, RSMo, 455.085, RSMo, or section 455.538, RSMo. The board may in its discretion accept other persons for supervision who have been convicted of driving while intoxicated [under] **pursuant to** the provisions of section 577.023, RSMo."

Committee on Education - Elementary and Secondary, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SB 573**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 921**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on State Parks, Natural Resources and Mining, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SCS SB 657**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 881**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 74, introduced by Representative Patek, relating to an equal rights amendment.

INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

HB 2156, introduced by Representative Patek, relating to child custody.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 683**, entitled:

An act to repeal section 304.580, RSMo 1994, relating to construction zones, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 864**, entitled:

An act to repeal section 288.090, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 956**, entitled:

An act to repeal section 144.062, RSMo Supp. 1999, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1059**, entitled:

An act to authorize the conveyance of state property to the Nevada R-V School District.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1066**, entitled:

An act to amend chapter 173, RSMo, by adding thereto one new section relating to telecommunity centers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1075**, entitled:

An act to repeal section 288.050, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Nordwald.

ADJOURNMENT

On motion of Representative Foley, the House adjourned until 10:00 a.m., Tuesday, April 11, 2000.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fiftieth Day, Thursday, April 6, 2000, Page 868, Lines 29 through 38, by deleting all of said lines and inserting in lieu thereof the following:

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1652 & 1433, Page 15, Section 407.931, Line 16, by inserting after the word “operator” the words “including owners and operators of tobacco vending machines”.; and

Further amend said bill, Page 15, Section 407.927, Line 12, by inserting after the word “or” the word “sell”; and

Further amend said bill, Page 15, Section 407.931, Line 21, by deleting the words “and subsequent”.

Pages 858 and 859, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

Pages 861 and 862, roll call, by showing Representative Myers voting "aye" rather than "absent with leave".

Pages 863 and 864, roll call, by showing Representatives Murray and Ward voting "aye" rather than "absent with leave".

Pages 865 and 866, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

BUDGET

Tuesday, April 11, 2000, 8:30 am. Hearing Room 3.

To be considered - HB 1113, HB 1121

CHILDREN, YOUTH AND FAMILIES

Tuesday, April 11, 2000, 8:30 am. Hearing Room 1.

To be considered - HB 2134

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 12, 2000. Hearing Room 1 upon morning adjournment.

To be considered - SB 617, Executive Session - SB 858

CONSUMER PROTECTION

Tuesday, April 11, 2000, 6:00 pm. Hearing Room 1.
To be considered - SB 721

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Tuesday, April 11, 2000. Side gallery upon morning adjournment.
Executive Session may follow.
To be considered - HCR 27

FISCAL REVIEW

Tuesday, April 11, 2000, 9:00 am. Hearing Room 7.
Executive Session. To be considered - HB 1305, HB 1677

JUDICIARY

Tuesday, April 11, 2000. Hearing Room 5 upon morning adjournment.
Executive Session to follow.
To be considered - SB 556, SB 669, SB 746, SB 774

LABOR

Tuesday, April 11, 2000. Side gallery upon morning adjournment.
To be considered - Executive Session - SB 709, Executive Session - SB 734

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 11, 2000. Hearing Room 7 upon morning adjournment.
Executive Session to follow.
To be considered - HB 2117, SB 727, SB 842, SB 894, SB 924, SB 940

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 12, 2000, 9:30 am. Hearing Room 6.
To be considered - Executive Session - SB 801

MUNICIPAL CORPORATIONS

Wednesday, April 12, 2000. Hearing Room 4 upon morning adjournment.
To be considered - HB 1286, HB 2133

PUBLIC HEALTH

Tuesday, April 11, 2000. Hearing Room 4 upon morning adjournment.
CORRECTED NOTICE.
To be considered - HB 2027, HCR 31, SB 974

PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 11, 2000, 8:30 am. Hearing Room 6.
Executive Session may follow.
To be considered - HB 2123, HCR 33, SB 813

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Tuesday, April 11, 2000. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 810

SUBCOMMITTEE - APPROPRIATIONS, DEPARTMENT OF CORRECTIONS

Tuesday, April 11, 2000. Hearing Room 2A & 2B upon afternoon adjournment.

Department of Corrections issues.

SUBCOMMITTEE ON PUBLIC HEALTH

Wednesday, April 19, 2000, 8:30 am. Hearing Room 4.

Discussing mental health ombudsman legislation.

URBAN AFFAIRS

Tuesday, April 11, 2000, 1:30 pm. Hearing Room 2.

Executive Session to follow.

To be considered - HCR 28

UTILITIES REGULATION

Thursday, April 13, 2000, 8:00 am. Hearing Room 6.

To be considered - HB 1778, HB 1842, HB 1895, SB 1049

WAYS AND MEANS

Tuesday, April 11, 2000, 1:00 pm. Hearing Room 6.

Executive Session may follow. AMENDED.

To be considered - SB 743, SB 936, SB 1042

HOUSE CALENDAR

FIFTY-SECOND DAY, TUESDAY, APRIL 11, 2000

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 74

HOUSE BILL FOR SECOND READING

HB 2156

HOUSE JOINT RESOLUTION FOR PERFECTION

HJR 40 - Graham (24)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1711, as amended, HA 4, pending - Abel
- 2 HCS HB 1797 - Gratz
- 3 HCS HB 1569 - Bray
- 4 HCS HB 1932 - Harlan

- 5 HCS HB 1967 - Hoppe
- 6 HB 1728, HCA 1 - Backer

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1362, HS, as amended, pending - Harlan
- 2 HCS HB 1602, as amended - Leake
- 3 HCS HB 1143, as amended - Scheve
- 4 HB 1472 - Smith
- 5 HCS HB 1574 & 1640 - Britt

HOUSE BILLS FOR THIRD READING

- 1 HS HCS HB 1305, E.C. (Fiscal Review, 4-5-00) - Rizzo
- 2 HS HCS HB 1677, 1675 & 1676, (Fiscal Review, 4-6-00) - Riback Wilson (25)
- 3 HS HCS HB 1652 & 1433, (Fiscal Review, 4-10-00) - Hoppe

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1828 - Gross
- 2 HB 1095 - Richardson
- 3 HB 1358 - Loudon
- 4 HB 1275 - Chrismer

HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL

- 1 HB 1825 - Klindt
- 2 HB 1685 - Smith

SENATE BILLS FOR SECOND READING

- 1 SCS SB 683
- 2 SB 864
- 3 SB 956
- 4 SCS SB 1059
- 5 SCS SB 1066
- 6 SCS SB 1075

SENATE BILL FOR THIRD READING

HCS SS SB 549, E.C. - Van Zandt

HOUSE RESOLUTION

HR 91, (2-24-00, pgs. 397 & 398) - Crawford