

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

SEVENTY-FIRST DAY, TUESDAY, MAY 14, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Reverend Rudy Beard.

God of Grace and Truth: we pride ourselves that we learn something new everyday. Grant Your guiding light this day. Shine it upon the men and women of this House. Let Your illuminating truth lead them through the decisions and issues that confront them.

Give to these who seek to serve the common good, both humility and clarity of thought. Soothe any still-smoldering heart, with the spirit of generosity. Let these decision makers be swayed not by emotion or ambition, but guided by calm conviction and blessed with uncommon patience.

To You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Eleanor Catherine Byrd, Layne Reynolds, Kristin Herron, Kellie Evrad and Jerrod Osthoff.

The Journal of the seventieth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1987

and

House Resolution No. 1988 - Representative Relford

House Resolution No. 1989 - Representative Holand

House Resolution No. 1990 - Representative Richardson, et al

House Resolution No. 1991 - Representative Mayer

House Resolution No. 1992

through

House Resolution No. 1995 - Representative Cunningham

House Resolution No. 1996 - Representative Curls

House Resolution No. 1997 - Representative Burcham

House Resolution No. 1998 - Representative Thompson

House Resolution No. 1999 - Representative Lowe

House Resolution No. 2000 - Representative Hilgemann

House Resolution No. 2001

through

House Resolution No. 2005 - Representatives Ross and Lograsso

House Resolution No. 2006 - Representative Crump

House Resolution No. 2007 - Representative Surface

House Resolution No. 2008 - Representative Hanaway

House Resolution No. 2009 - Representative Shoemyer (9)

House Resolution No. 2010 - Representative Harlan

House Resolution No. 2011

through

House Resolution No. 2018 - Representative Legan

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 **SS HB 2023**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 143

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Brooks	Burton
Byrd	Campbell	Carnahan	Champion	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Griesheimer
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 144	Kelly 27	Kelly 36
King	Koller	Liese	Linton	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Miller	Monaco
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby

Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Walker	Walton	Ward	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 003

Burcham	Holand	Whorton
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ABSENT WITH LEAVE: 016

Ballard	Bland	Boykins	Cierpiot	Green 73
Hagan-Harrell	Harlan	Lawson	Legan	Lograsso
Long	Merideth	Moore	Richardson	Wagner
Williams				

VACANCIES: 001

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HBs 1141, 1400, 1645, 1745 & 2026, relating to memorial highways, was taken up by Representative Naeger.

On motion of Representative Naeger, **SCS HBs 1141, 1400, 1645, 1745 & 2026** was adopted by the following vote:

AYES: 146

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Cooper	Crawford
Crowell	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Griesheimer
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Koller	Lawson	Legan	Liese
Linton	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields

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Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walker	Walton
Ward	Whorton	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 002

Clayton	Farnen
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PRESENT: 000

ABSENT WITH LEAVE: 014

Boykins	Copenhaver	Foley	Green 73	Hagan-Harrell
Harlan	King	Lograsso	Long	Murphy
Richardson	Wagner	Williams	Willoughby	

VACANCIES: 001

On motion of Representative Naeger, **SCS HBs 1141, 1400, 1645, 1745 & 2026** was truly agreed to and finally passed by the following vote:

AYES: 145

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

NOES: 002

Clayton	Farnen
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PRESENT: 000

ABSENT WITH LEAVE: 016

Boykins	Carnahan	Cierpiot	Copenhaver	Foley
Franklin	Green 73	Hagan-Harrell	Harlan	Hunter
Lograsso	Murphy	Richardson	Wagner	Williams
Willoughby				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SCS HB 1402, as amended, relating to telecommunication services, was taken up by Representative Burton.

Representative Burton moved that the House refuse to adopt **SCS HB 1402, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SS SCS SBs 837, 866, 972 & 990, relating to agriculture, was taken up by Representative Berkowitz.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, by inserting in the appropriate location the following sections:

- "261.110. 1. The department of agriculture shall develop standards and labeling for organic farming.
 2. The department of agriculture shall adopt rules to implement the provisions of this section.
 3. **The department may cooperate with any agency of the federal government, any state, any other agency in this state, any private entity or person engaged in growing, processing, marketing of organic products, or any group of such persons in this state, in programs to effectuate such purposes. Such agreements may provide for cost and revenue sharing, and for division of duties and responsibilities under this section and may include other provisions generally to effectuate the purposes of this section.**
 4. 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.
- 261.120. There is hereby created in the state treasury the "Organic Production and Certification Fee Fund". Fees imposed in accordance with rules promulgated under section 261.110, shall be credited to the organic production and certification fee fund.";** and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 2, Section 142.028, Line 11, by deleting all of said line and inserting in lieu thereof the following:

"located within the state of Missouri **and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes** and which has made formal application, posted a bond, and"; and

Further amend said bill, Page 22, Section 413.115, Lines 1 to 3, by deleting all of said lines; and

Further amend said bill, Page 23, Section 413.115, Lines 4 to 12, by deleting all of said lines; and

Further amend said bill, Page 27, Section 414.032, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following:

"insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 5, Section 142.031, Line 68, by inserting immediately after all of said line the following:

"254.020. As used in this chapter, the following words [shall have the following meanings] **mean:**

(1) [The word "commission" shall mean] **"Best management practices", forest management practices, as defined by the commission in consultation with the clean water commission, that ensure protection of water quality;**

(2) **"Commission"**, the conservation commission of Missouri [upon which, by the terms hereof impressed, are] **being responsible for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state are therefore** vested the responsibilities for the administration [hereof in conformity] **of this chapter in conformance** with sections 40 to 46 of article IV of the Constitution of Missouri; and the words "rules and regulations" shall mean those made by the commission pursuant thereto;

[(2)] (3) **"Conservation commission fund"** [as used in this chapter, shall mean], only the moneys arising from the additional sales and use taxes provided for in section 43(a) of article IV of the Constitution of Missouri;

[(3)] (4) **"Forest croplands"** [shall mean], those lands devoted exclusively to growing wood and timber, except for such other uses as shall be approved by the commission by regulations and which are tendered to the commission by any person and accepted and classified by the commission as such; and the commission shall prescribe the terms and conditions of such tender, acceptance and classification;

[(4)] The word "person" shall mean] (5) **"Person"**, any individual, male or female, singular or plural, of whatever age[, and this term]. **The term person** shall include and refer to any owner, grantee, lessee, licensee, permittee, firm, association, copartnership, corporation, municipality or county, as the context may require;

(6) **"Precommercial forestry activities", proper forest management activities, as defined by the commission, that do not generate an immediate profit for the landowner;**

[(5)] The title "state forester" shall mean] (7) **"State forester"**, the administrative head of the state forestry program;

(8) **"Sustainable forestry principles", forest management activities, as defined by the commission, that**

ensure efficient use and continued availability of forest resources.

254.040. 1. Any person desiring to have lands designated as forest croplands shall submit an application [therefor] to the state forester on [form or] forms [to be] provided by the commission. The state forester [will] **shall** make or cause to be made an examination of the lands covered by [said] **such** application and shall forward a copy of [same] **such application**, together with his **or her** recommendations, to the commission. If the commission [approve and classify] **approves and classifies such** lands as forest croplands, they shall be subject to the provisions of this chapter and [such] rules and regulations **promulgated pursuant to this chapter**.

2. If the commission [refuse so] **refuses** to accept and classify [said] **such** lands, the applicant may appeal [from] the decision of the commission to the circuit court in which such lands, or major part [thereof] **of such lands**, are located and the decision of the circuit court in all such matters shall be final.

3. No application **to designate lands as forest croplands** shall be accepted for a tract of land containing less than twenty acres; and no such land shall be classified for tax relief if the value thereof shall exceed one hundred twenty-five dollars per acre or a greater value as set by regulation of the commission.

4. No application for the cost-share incentive program established in section 254.225 shall be accepted for lands designated as forest croplands.

254.225. 1. The commission may administer a forest landowner cost-share incentive program to promote sustainable forestry on private lands. Such program may provide reimbursement cost share for up to fifty percent of the cost of precommercial forestry activities on eligible lands. Eligible forestry activities shall be carried out in accordance with best management practices and sustainable forestry principles.

2. Any forest landowner may submit a program application to the state forester on forms provided by the commission. Application procedures and acceptance criteria shall be specified by the commission.

3. No application for such program shall be accepted for a tract of land containing less than forty acres. The total amount of incentives provided to any person shall not exceed five thousand dollars in any calendar year.”; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 7, Section 281.217, Lines 8 and 9, by deleting the words “and agriculture”.

Representative Boatright offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1
for
House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 6, Section 281.217, Line 1, by deleting all of said section and changing the title and enacting clause accordingly.

Representative Boatright moved that **House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

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AYES: 076

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Enz
Fares	Froelker	Gaskill	Gratz	Griesheimer
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Hunter	Jetton	Johnson 61
Kelley 47	Kelly 144	King	Legan	Linton
Long	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Miller	Moore	Murphy
Myers	Naeger	Nordwald	Ostmann	Phillips
Portwood	Purgason	Quinn	Rector	Reid
Reinhart	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Shields
Shoemaker	St. Onge	Surface	Townley	Vogel
Wright				

NOES: 080

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Copenhaver	Crump	Curls	Daus	Davis
Farnen	Franklin	Fraser	Gambaro	George
Graham	Green 15	Green 73	Hagan-Harrell	Hampton
Harding	Harlan	Haywood	Hickey	Hilgemann
Hollingsworth	Holt	Hoppe	Hosmer	Johnson 90
Jolly	Jones	Kelly 36	Koller	Liese
Lowe	Mays 50	McKenna	Merideth	Monaco
O'Connor	O'Toole	Overschmidt	Paone	Ransdall
Relford	Reynolds	Rizzo	Scheve	Seigfreid
Selby	Shelton	Shoemyer	Skaggs	Smith
Thompson	Treadway	Troupe	Van Zandt	Villa
Wagner	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Boykins	Cierpiot	Foley	Kelly 27	Lawson
Lograsso				

VACANCIES: 001

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

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, by inserting in the appropriate location the following section:

"267.750. 1. It shall be unlawful for any person to knowingly feed poultry manure or any food product containing poultry manure to livestock as defined in section 267.565.

2. Any person who violates the provisions of subsection 1 of this section shall be guilty of an infraction and shall be punished by a fine of not more than two hundred dollars."; and

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

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

Which motion was defeated by the following vote:

AYES: 024

Barry 100	Bowman	Boykins	Bray 84	Cunningham
Franklin	Fraser	Gambaro	George	Green 15
Green 73	Hanaway	Haywood	Hollingsworth	Johnson 90
Jolly	Lowe	McKenna	Murphy	Paone
Reid	Selby	Walton	Wilson 42	

NOES: 126

Abel	Ballard	Barnett	Barnitz	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Bland	Boatright	Bonner	Boucher	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Froelker	Gaskill	Graham	Gratz
Griesheimer	Hagan-Harrell	Hampton	Harding	Hartzler
Hegeman	Henderson	Hendrickson	Hilgemann	Hohulin
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Jones	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Long	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
Merideth	Miller	Moore	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Quinn	Ransdall	Rector
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Villa	Vogel	Walker	Ward
Whorton	Williams	Willoughby	Wilson 25	Wright
Mr. Speaker				

PRESENT: 001

Black

ABSENT WITH LEAVE: 011

Baker	Carnahan	Foley	Harlan	Hickey
Holand	Lograsso	Monaco	Purgason	Van Zandt
Wagner				

VACANCIES: 001

Representative Gratz offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 16, Section 348.432, Line 85 of said page, by inserting after all of said line the following:

"407.592. Sections 407.585 to 407.592 shall apply to any new farm machinery sold after January 1, 1988, but no provision of sections 407.585 to 407.592 shall operate or be construed to invalidate, impair, or otherwise infringe upon the specific requirements of any contract between a dealer and a manufacturer entered into prior to September 28, 1987, and which is in effect on September 28, 1987; provided, however, that in any case wherein warranty repair work is performed for a consumer by a farm equipment dealer under the provisions of a manufacturer's express warranty, the manufacturer shall reimburse the dealer at an hourly labor rate that is the same or greater than the hourly labor rate the dealer currently charges consumers for nonwarranty repair work. **The dealer may accept the manufacturer's reimbursement terms and conditions in lieu of the above.**"; and

Further amend the title and enacting clause accordingly.

On motion of Representative Gratz, **House Amendment No. 6** was adopted.

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, by inserting the following in the appropriate location:

"578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

2. As used in sections 578.405 to 578.412, the following terms mean:

(1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

(2) "Animal facility", any facility, **animal farming operation, business or organization** engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility [and], the offices [and], **barns, buildings, or other structures**, the vehicles of any such persons while engaged in duties related to the animal facility, and any [premises] **private property** where animals are located, **including but not limited to the barns or areas where the animals are pastured, housed, or otherwise quartered**;

(3) "Director", the director of the department of agriculture.

578.407. No person shall:

(1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtain, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) Enter or remain on an animal facility with the intent to commit an act prohibited by this section;

(7) Photograph, videotape, or otherwise obtain images from within a structure that an animal is housed without the express written consent of the animal facility;

(8) Intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease in any animal at the animal facility or which otherwise threatens human health or biosecurity at the animal facility.

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section 578.407** or if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407 **including any relief authorized under subsection 5 of this section**. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412] **initiate civil legal action in the circuit court of the county where the violation occurred**. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

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

Representative Johnson (90) offered **House Amendment No. 1 to House Amendment No.**

House Amendment No. 1
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 3, Section 548.407, Line 1, by deleting the semi-colon at the end of said line and by inserting at the end of said line the following: “**with the intent to commit agriterrorism**”; and

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

Representative Clayton assumed the Chair.

Representative Legan offered **House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 7**.

House Substitute Amendment No. 1
for
House Amendment No. 1
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 2, Section 578.407, Line 30, by inserting in front of the word “photograph” the following: “**with the intent to commit a crime**”; and

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

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Legan, **House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 7** was adopted.

Representative Clayton offered **House Amendment No. 2 to House Amendment No. 7**.

House Amendment No. 2
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 3, Section 578.409, Lines 11 and 12, by striking the following: “for a violation of subdivision (7) of section 578.407 or”.

On motion of Representative Clayton, **House Amendment No. 2 to House Amendment No. 7** was adopted.

On motion of Representative Legan, **House Amendment No. 7, as amended**, was adopted.

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

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 4, Section 142.031, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"and subject to appropriations with funds, other than general revenue funds, shall be used to"; and

Further amend said bill, Page 4, Section 142.031, Line 13, by deleting all of said line and inserting in lieu thereof the following:

"3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant"; and

Further amend said bill, Page 4, Section 142.031, Lines 15 to 17, by deleting all of said lines and inserting in lieu thereof the following:

"the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty month time period. The amount of the grant is determined by calculating the number of gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department"; and

Further amend said bill, Page 4, Section 142.031, Line 17, by deleting all of said line and inserting in lieu thereof the following:

"Missouri agricultural products for the succeeding calendar month, as certified by the department"; and

Further amend said bill, Page 4, Section 142.031, Lines 19 to 35, by deleting all of said lines and inserting in lieu thereof the following:

"this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of fifteen million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section."; and

Further amend said bill, Page 4, Section 142.031, Line 37, by deleting all of said line and inserting in lieu thereof the following: **"fund, an application for such funds shall be received no later than"; and**

Further amend said bill, Page 5, Section 142.031, Line 38, by deleting all of said line and inserting in lieu thereof the following: **"fifteen days following the first day of the month for which the grant is sought. The"; and**

Further amend said bill, Page 5, Section 142.031, Line 42, by deleting all of said line and inserting in lieu thereof the following: **"biodiesel producer in the preceding month, if applicable"; and**

Further amend said bill, Page 5, Section 142.031, Lines 45 to 47, by deleting all of said lines and inserting in lieu thereof the following:

"month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied"; and

Further amend said bill, Page 5, Section 142.031, Lines 56 to 60, by deleting all of said lines and inserting in lieu thereof the following: "**administration of the provisions of this section.**"; and

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

On motion of Representative Whorton, **House Amendment No. 8** was adopted.

Representative Holand offered **House Amendment No. 9**.

Representative Myers raised a point of order that **House Amendment No. 9** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Ladd Baker offered **House Amendment No. 9**.

Representative Gratz raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Boatright offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 837, 866, 972 & 990, Page 13, Section 348.430, Line 29, by inserting after the word "tax" the following: "**or estimated quarterly tax**"; and

Further amend said bill, Page 15, Section 348.432, Line 42, by inserting after the word "tax" the following: "**or estimated quarterly tax**"; and

Further amend said bill, Page 15, Section 348.432, Line 51, by inserting at the end of the line the following:

"Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section."; and

Further amend said bill by inserting in the appropriate location the following:

"Section 3. All premium tax credits described in sections 348.430 and 348.432, RSMo, shall only reduce the amount of money received by the general revenue fund of this state and shall not reduce any moneys received by the county foreign insurance tax fund."; and

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

Representative Britt raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Boatright moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Byrd	Champion	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Enz
Fares	Froelker	Gaskill	Gratz	Griesheimer
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Jetton	Kelley 47	Kelly 144
King	Legan	Linton	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Merideth
Miller	Moore	Murphy	Myers	Naeger
Nordwald	Ostmann	Phillips	Portwood	Purgason
Quinn	Rector	Reid	Reinhart	Richardson
Ridgeway	Roark	Robirds	Ross	Schwab
Scott	Shields	Shoemaker	St. Onge	Surface
Townley	Vogel	Wright		

NOES: 079

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Copenhaver	Crump	Curls	Daus	Davis
Farnen	Franklin	Fraser	Gambaro	George
Graham	Green 15	Green 73	Hagan-Harrell	Hampton
Harding	Harlan	Haywood	Hickey	Hilgemann
Hollingsworth	Holt	Hoppe	Hosmer	Johnson 90
Jolly	Jones	Kelly 27	Kelly 36	Koller
Liese	Lowe	Mays 50	McKenna	O'Connor
O'Toole	Overschmidt	Paone	Ransdall	Relford
Reynolds	Rizzo	Scheve	Seigfreid	Selby
Shelton	Shoemyer	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Villa	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 009

Boykins	Burton	Foley	Hunter	Lawson
Lograsso	Long	Monaco	Secrest	

VACANCIES: 001

On motion of Representative Berkowitz, **HCS SS SCS SBs 837, 866, 972 & 990, as amended**, was adopted.

On motion of Representative Berkowitz, **HCS SS SCS SBs 837, 866, 972 & 990, as amended**, was read the third time and passed by the following vote:

AYES: 112

Abel	Baker	Barnett	Barnitz	Barry 100
Bearden	Behnen	Berkowitz	Berkstresser	Black
Bland	Bonner	Boucher	Bowman	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Cooper	Copenhaver	Crump	Curls	Davis
Dolan	Fares	Farnen	Franklin	Fraser
Froelker	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Haywood
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Lawson
Legan	Liese	Lowe	Luetkemeyer	Luetkenhaus
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Murphy	Myers	Naeger	O'Connor
O'Toole	Ostmann	Overschmidt	Paone	Quinn
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Rizzo	Robirds	Scheve	Schwab
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Skaggs	Smith	Thompson	Treadway
Troupe	Villa	Vogel	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 038

Ballard	Bartelsmeyer	Bartle	Boatright	Burcham
Byrd	Champion	Cierpiot	Crawford	Crowell
Daus	Dempsey	Enz	Gaskill	Griesheimer
Hanaway	Harding	Henderson	Hendrickson	Hohulin
Jetton	Linton	Lograsso	Marble	Marsh
Moore	Nordwald	Phillips	Portwood	Rector
Ridgeway	Roark	Ross	Scott	St. Onge
Surface	Townley	Wright		

PRESENT: 001

Purgason

ABSENT WITH LEAVE: 011

Boykins	Burton	Cunningham	Foley	Harlan
Hartzler	Long	Monaco	Secrest	Van Zandt
Wagner				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

HCS SCS SB 680, relating to the Missouri Commission on Obesity, was taken up by Representative Barry.

Representative Barry offered **HS HCS SCS SB 680**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, by inserting at the appropriate location the following section:

“34.375. 1. This section shall be known and may be cited as the "Missouri Calcium Initiative".

2. The purchasing agent for any governmental entity that purchases food or beverages to be processed or served in a building or room owned or operated by such governmental entity shall give preference to foods and beverages that:

(1) Contain a higher level of calcium than products of the same type and quality; and

(2) Are equal to or lower in price than products of the same type and quality.

3. Notwithstanding the provisions of subsection 2 of this section to the contrary, if a state institution determines that a high calcium food or beverage that is preferred pursuant to subsection 2 of this section will interfere with the proper treatment and care of a patient of such institution, the purchasing agent shall not be required to purchase the high calcium food or beverage for such patient.

4. The requirements of this section shall be in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

5. For purposes of this section, "governmental entity" means the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state. Governmental entity does not include political subdivisions of the state.

6. Notwithstanding the provisions of this section to the contrary, a purchasing agent who has entered into a contract with a supplier before July 1, 2002, to purchase food and beverages shall not be required to purchase high calcium foods and beverages if purchasing such products would change the terms of the contract.”; and

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

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

HCS SCS SB 680, with HS, as amended, pending, was laid over.

MOTIONS

Representative Foley moved that Rule 26 be suspended to allow the members of the House Conference Committee on **HS HCS SS SB 1248, as amended**, to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 094

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Copenhaver	Crump	Curls	Daus
Davis	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	George	Graham	Gratz

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Green 15	Hagan-Harrell	Hampton	Harding	Harlan
Hartzler	Haywood	Hegeman	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 27	Kelly 36	King	Koller	Liese
Lowe	Luetkenhaus	Mayer	Mays 50	McKenna
Merideth	Murphy	O'Connor	O'Toole	Overschmidt
Paone	Portwood	Ransdall	Reid	Relford
Reynolds	Rizzo	Scheve	Seigfreid	Selby
Shelton	Shoemyer	Skaggs	Smith	Townley
Treadway	Troupe	Van Zandt	Villa	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 054

Barnett	Bartelsmeyer	Bartle	Bearden	Behnen
Black	Boatright	Burcham	Champion	Cierpiot
Cooper	Crawford	Crowell	Dempsey	Dolan
Enz	Fares	Gaskill	Griesheimer	Hanaway
Henderson	Hendrickson	Hunter	Jetton	Kelley 47
Legan	Lograsso	Luetkemeyer	Marble	Marsh
May 149	Miller	Moore	Myers	Naeger
Nordwald	Phillips	Purgason	Quinn	Rector
Reinhart	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Shields	Shoemaker
St. Onge	Surface	Vogel	Wright	

PRESENT: 001

Cunningham

ABSENT WITH LEAVE: 013

Ballard	Berkstresser	Burton	Byrd	Green 73
Hohulin	Lawson	Linton	Long	Monaco
Ostmann	Secrest	Thompson		

VACANCIES: 001

Representative O'Toole moved that Rule 26 be suspended to allow the members of the House Conference Committee on **HS HCS SCS SB 712, as amended**, to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 088

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Britt	Brooks	Campbell	Carnahan	Clayton
Crump	Curls	Daus	Davis	Farnen
Foley	Franklin	Fraser	Froelker	Gambaro
George	Graham	Gratz	Green 15	Hagan-Harrell
Hampton	Harding	Harlan	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly

Jones	Kelly 27	Kelly 36	Koller	Lawson
Liese	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	Murphy	O'Connor	O'Toole
Overschmidt	Paone	Ransdall	Relford	Reynolds
Rizzo	Scheve	Seigfreid	Selby	Shelton
Shoemyer	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Villa	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 062

Barnett	Bartelsmeyer	Bartle	Bearden	Behnen
Berkstresser	Black	Boatright	Burcham	Champion
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Enz	Fares	Gaskill
Griesheimer	Hanaway	Hartzler	Henderson	Hendrickson
Hunter	Jetton	Kelley 47	Kelly 144	King
Lograsso	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Moore	Myers	Naeger
Nordwald	Phillips	Portwood	Purgason	Quinn
Rector	Reid	Reinhart	Richardson	Ridgeway
Roark	Robirds	Ross	Schwab	Scott
Shields	Shoemaker	St. Onge	Surface	Townley
Vogel	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Ballard	Bray 84	Burton	Byrd	Copenhaver
Green 73	Hohulin	Legan	Linton	Long
Ostmann	Secrest			

VACANCIES: 001

Representative Monaco assumed the Chair.

THIRD READING OF SENATE BILLS

HCS SCS SB 680, with HS, as amended, pending, relating to the Missouri Commission on Obesity, was again taken up by Representative Barry.

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

Representative Barry raised a point of order that **House Amendment No. 2** is not germane to the bill.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Pages 6 and 7, Section 192.975, by deleting the words [shall] on Page 6, Line 23, and Page 7, Line 2, and inserting the word “**may**”; and

Further amend Page 7, Line 7, by deleting the word [shall] and inserting the word “**should**”; and delete Lines 16 and 17 of said page and renumber the remaining subsections accordingly.

Representative Lograsso requested a division of the question on **House Amendment No. 2**.

House Amendment No. 2

PART I

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Pages 6 and 7, Section 192.975, by deleting the words [shall] on Page 6, Line 23, and Page 7, Line 2, and inserting the word “**may**”.

Representative Wright moved that **Part I of House Amendment No. 2** be adopted.

Which motion was defeated.

House Amendment No. 2

PART II

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 7, Line 7, by deleting the word [shall] and inserting the word “**should**”.

On motion of Representative Wright, **Part II of House Amendment No. 2** was adopted.

House Amendment No. 2

PART III

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 7, by deleting Lines 16 and 17 of said page and renumbering the remaining subsections accordingly.

Representative Wright moved that **Part III of House Amendment No. 2** be adopted.

Which motion was defeated.

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 4, Section 192.975, Line 13, by deleting the words “twenty-two” and inserting in lieu thereof the following: “**twenty-three**”; and

Further amend said section, Page 6, Line 4, by inserting the following:

“21. A representative of the Missouri State Chiropractor’s Association”.

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

Representative Ladd Baker offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 7, Section 192.975, Line 23, by inserting after all of said line the following:

“Section 1. 1. Notwithstanding any provision of the law to the contrary, until the provision of 208.151.1(25) RSMo 2001 is fully implemented at 100% of poverty, an otherwise eligible individual shall be eligible for payment of Medicaid allowable expenses in accordance with department of social services policy in effect on January 1, 2002. This section shall be null and void if after investigation, appeal and final determination, the Center for Medicare and Medicaid Services declares this policy violates the Medicaid program rules for a 209(b) state.

2. The Personal Independence Commission shall study the issue of spend down. Such study shall include but not be limited to: the effects of spend down on the population served; a comparison of Missouri’s spend down program with similar programs in other states; develop alternatives that will service the population’s needs in a manner that is equitable but flexible to the needs and circumstances of the individual, encourages responsible utilization of the services and is fiscally responsible. By December 1, 2002, the Commission shall present its findings and recommendations to the Governor and General Assembly.”; and

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

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

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, by inserting in the appropriate location the following:

“660.099. 1. The general assembly may appropriate funds in addition to the amount currently being provided per annum for nutrition services for the elderly. Funds so designated to provide nutrition services for the elderly shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

2. The general assembly may appropriate funds in addition to the amount currently being provided per annum through the Missouri elderly and handicapped transportation program. Funds so designated to provide transportation for the elderly and developmentally disabled shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

3. The general assembly may appropriate funds in addition to the amount currently being provided per annum for home-delivered meals for the elderly. Such additional funds shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri based on the actual number of meals served in each area during the previous fiscal year.”; and

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

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

Representative Portwood offered **House Amendment No. 6**.

Representative Hollingsworth raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Barry, **HS HCS SCS SB 680, as amended**, was adopted.

On motion of Representative Barry, **HS HCS SCS SB 680, as amended**, was read the third time and passed by the following vote:

AYES: 101

Abel	Baker	Barry 100	Bearden	Berkowitz
Berkstresser	Bland	Bonner	Boucher	Bowman
Bray 84	Britt	Brooks	Campbell	Carnahan
Champion	Clayton	Copenhaver	Crawford	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Fares	Farnen	Franklin	Fraser	Gambaro
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 36	Koller	Lawson	Liese	Lowe
Luetkenhaus	Marble	Mays 50	McKenna	Miller
Monaco	Moore	Murphy	Nordwald	O'Connor
Ostmann	Overschmidt	Paone	Portwood	Quinn
Ransdall	Reinhart	Relford	Reynolds	Rizzo
Scheve	Selby	Shelton	Shields	Skaggs
Smith	St. Onge	Thompson	Treadway	Villa
Vogel	Wagner	Walker	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 050

Barnett	Barnitz	Bartelsmeyer	Bartle	Behnen
Black	Boatright	Burcham	Burton	Byrd
Cierpiot	Cooper	Crowell	Enz	Froelker
Gaskill	Hegeman	Henderson	Hendrickson	Hohulin
Hunter	Jetton	Kelly 144	King	Legan
Linton	Lograsso	Luetkemeyer	Marsh	May 149
Mayer	Merideth	Myers	Naeger	O'Toole
Phillips	Purgason	Rector	Reid	Richardson
Ridgeway	Roark	Robirds	Ross	Schwab
Scott	Seigfreid	Shoemyer	Townley	Whorton

PRESENT: 001

Shoemaker

ABSENT WITH LEAVE: 010

Ballard	Boykins	Dolan	Foley	Kelly 27
Long	Secrest	Surface	Troupe	Van Zandt

VACANCIES: 001

Representative Monaco declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 094

Abel	Baker	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Campbell	Carnahan	Clayton	Copenhaver
Crawford	Crump	Cunningham	Curls	Daus
Davis	Fares	Farnen	Franklin	Fraser
Gambaro	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 36	Koller	Lawson	Liese
Lowe	Luetkenhaus	Mays 50	McKenna	Monaco
Moore	Murphy	Nordwald	O'Connor	Ostmann
Overschmidt	Paone	Portwood	Quinn	Ransdall
Relford	Reynolds	Rizzo	Scheve	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
St. Onge	Thompson	Treadway	Van Zandt	Villa
Wagner	Walker	Walton	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 058

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkstresser	Black	Boatright
Burcham	Burton	Byrd	Champion	Cierpiot
Cooper	Crowell	Dempsey	Enz	Froelker
Gaskill	Hegeman	Henderson	Hendrickson	Hohulin
Hunter	Jetton	Kelly 144	King	Legan
Linton	Luetkemeyer	Marble	Marsh	May 149
Mayer	Merideth	Miller	Myers	Naeger
O'Toole	Phillips	Rector	Reid	Reinhart
Richardson	Ridgeway	Roark	Robirds	Ross
Schwab	Scott	Shoemaker	Shoemyer	Townley
Vogel	Whorton	Wright		

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ABSENT WITH LEAVE: 010

Boykins	Dolan	Foley	Kelly 27	Lograsso
Long	Purgason	Secrest	Surface	Troupe

VACANCIES: 001

Speaker Pro Tem Abel resumed the Chair.

HCS SB 718, relating to the Pledge of Allegiance in public schools, was taken up by Representative Berkowitz.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 718, Page 1, Section 171.021, Line 8, by adding after the word “week” the following:

“, and such schools shall also ensure the singing of the National Anthem, all eight verses, the recitation of the Declaration of Independence, and the wearing of red, white and blue once a week.”

Representative Portwood offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1

to

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 718, Lines 2 and 3 of said amendment, by deleting the words “, all eight verses,” and inserting in lieu thereof the word **“and”**; and

Further amend said amendment, Lines 5 and 6, by deleting all of said lines and inserting in lieu thereof the following: **“at least once a year by grade 5”**.

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

Representative Hollingsworth moved that **House Amendment No. 1, as amended**, be adopted.

Which motion was defeated.

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 718, Page 1, Section 2, Line 8, by inserting after the word “student” the following: **“or member of the faculty or staff”**.

Representative Cunningham moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

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

Representative Clayton raised a point of order that **House Amendment No. 3** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

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

Representative Berkowitz 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 Fraser offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 718, Page 1, by deleting the word “ensure” and inserting in its place the word “**encourage**”; and by deleting “in at least one scheduled class of every pupil enrolled in that school no less often than once per week.”

Representative Fraser moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 025

Bland	Bowman	Bray 84	Carnahan	Curls
Daus	Farnen	Fraser	Green 15	Haywood
Hilgemann	Hollingsworth	Jones	McKenna	Scheve
Shelton	Thompson	Troupe	Van Zandt	Wagner
Walker	Walton	Williams	Wilson 25	Wilson 22

NOES: 107

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Boucher	Britt	Burcham	Burton
Campbell	Champion	Cierpiot	Clayton	Cooper
Crawford	Crowell	Cunningham	Davis	Dempsey
Dolan	Enz	Fares	Froelker	Gaskill
George	Gratz	Griesheimer	Hampton	Hanaway
Harding	Hartzler	Hegeman	Henderson	Hendrickson
Hickey	Hohulin	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 36	King	Legan
Linton	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
Marble	May 149	Mayer	Mays 50	Merideth

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Miller	Moore	Myers	Nordwald	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Schwab	Scott	Seigfreid
Selby	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Townley	Treadway
Villa	Vogel	Ward	Whorton	Willoughby
Wright	Mr. Speaker			

PRESENT: 002

Barry 100 Gambaro

ABSENT WITH LEAVE: 028

Abel	Baker	Bonner	Boykins	Brooks
Byrd	Copenhaver	Crump	Foley	Franklin
Graham	Green 73	Hagan-Harrell	Harlan	Holand
Kelly 27	Koller	Lawson	Liese	Long
Marsh	Monaco	Murphy	Naeger	O'Connor
O'Toole	Ostmann	Secrest		

VACANCIES: 001

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

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

The Chair ruled the point of order well taken.

On motion of Representative Berkowitz, **HCS SB 718** was adopted.

On motion of Representative Berkowitz, **HCS SB 718** was read the third time and passed by the following vote:

AYES: 136

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Britt	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Dolan	Fares	Farnen	Froelker
Gambaro	Gaskill	George	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 36	King	Legan	Liese	Linton
Lograsso	Lowe	Luetkemeyer	Luetkenhaus	Marble

May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Seigfreid	Selby
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Villa	Vogel	Wagner	Walker
Ward	Whorton	Willoughby	Wilson 42	Wright
Mr. Speaker				

NOES: 009

Bray 84	Brooks	Daus	Fraser	Harlan
Hollingsworth	Shelton	Van Zandt	Wilson 25	

PRESENT: 001

Williams

ABSENT WITH LEAVE: 016

Boykins	Enz	Foley	Franklin	Graham
Green 73	Kelly 27	Koller	Lawson	Long
Marsh	Monaco	O'Toole	Ostmann	Secrest
Walton				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SCS SB 1266, relating to tobacco sales, was taken up by Representative O'Toole.

Representative O'Toole offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 1266, Page 2, Section 149.200, Lines 41 and 42, by deleting all of said lines and inserting in lieu thereof the following:

"4. Any licensed wholesaler who knowingly violates this section is guilty of a class C misdemeanor."; and

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

Representative O'Toole moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 009

George	Graham	Green 15	Hagan-Harrell	Lowe
O'Connor	O'Toole	Reynolds	Wagner	

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NOES: 138

Abel	Ballard	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Fraser
Froelker	Gambaro	Gaskill	Gratz	Griesheimer
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Lawson	Legan	Liese
Linton	Lograsso	Long	Luetkemeyer	Luetkenhaus
Marble	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	Ostmann	Overschmidt	Paone
Phillips	Portwood	Purgason	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 014

Baker	Barnett	Boykins	Crump	Foley
Franklin	Green 73	Harlan	Koller	Marsh
Monaco	Secrest	Van Zandt	Wright	

VACANCIES: 001

On motion of Representative O'Toole, **SCS SB 1266** was truly agreed to and finally passed by the following vote:

AYES: 144

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Franklin	Fraser	Froelker
Gambaro	Gaskill	Graham	Gratz	Green 15

Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Lawson
Legan	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	May 149	Mays 50
McKenna	Merideth	Miller	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Relford	Richardson	Ridgeway	Roark	Robirds
Ross	Scheve	Schwab	Scott	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 006

George	O'Toole	Reynolds	Rizzo	St. Onge
Wagner				

PRESENT: 000

ABSENT WITH LEAVE: 012

Baker	Boykins	Foley	Green 73	Harlan
Koller	Long	Marsh	Mayer	Monaco
Secrest	Van Zandt			

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

Speaker Kreider assumed the Chair.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **SS HB 2023** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SS HB 2023** was delivered to the Governor by the Chief Clerk of the House.

Speaker Pro Tem Abel resumed the Chair.

THIRD READING OF SENATE BILL - INFORMAL

HCS SS SCS SBs 969, 673 & 855, relating to sex crimes and crime prevention, was taken up by Representative Smith.

Representative Smith offered **HS#2 HCS SS SCS SBs 969, 673 & 855**.

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

House Amendment No. 1

AMEND House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 969, 673 & 855, by inserting in the appropriate location the following:

“547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in a criminal cause, except where the defendant is under sentence of death or imprisonment in the penitentiary for life, or a sentence of imprisonment for a violation of sections 195.222, RSMo, 565.021, RSMo, 565.050, RSMo, [or] subsections 1 and 2 of section 566.030, **566.032, 566.040, 566.060, 566.062, 566.070, 566.100**, RSMo, any court or officer authorized to order a stay of proceedings under the preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon a recognizance, with sufficient sureties, to be approved by such court or judge.”; and

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

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

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

House Amendment No. 2

AMEND House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 969, 673 & 855, by inserting the following in the appropriate location:

"565.305. 1. As used in this section, the following words and phrases shall mean:

(1) **"Clone a human being" or "cloning a human being", genetic duplication or replication of a human being, whether living or deceased, regardless of the stage of development of such human being, from whom genetic material was donated or taken in order to complete such duplication or replication;**

(2) **"Public employee", any person employed by the state of Missouri or any agency or political subdivision thereof;**

(3) **"Public facilities", any public institution, public facility, public equipment, or any physical asset owned or leased, or controlled by the state of Missouri or any agency or political subdivision thereof;**

(4) **"Public funds", any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.**

2. No person shall knowingly clone a human being, or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.

4. No person shall knowingly use public facilities for the purpose of cloning a human being or attempting to clone a human being.

5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.

6. Violation of subsections 2 to 5 of this section shall be a class B felony."; and

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

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

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

House Amendment No. 3

AMEND House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 969, 673 & 855, Page 30, Line 4, by inserting in the appropriate place the following:

“Section 2. 1. No person less than twenty-one years of age shall dance in an adult cabaret as defined in section 573.500, RSMo, nor shall any proprietor of such establishment permit any person less than twenty-one years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.”

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

The Chair ruled the point of order not well taken.

Representative Hosmer moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

On motion of Representative Smith, **HS#2 HCS SS SCS SBs 969, 673 & 855, as amended**, was adopted.

On motion of Representative Smith, **HS#2 HCS SS SCS SBs 969, 673 & 855, as amended**, was read the third time and passed by the following vote:

AYES: 144

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Brooks	Burton
Byrd	Campbell	Carnahan	Champion	Clayton
Cooper	Copenhaver	Crawford	Crowell	Cunningham
Curls	Daus	Davis	Dempsey	Dolan
Fares	Farnen	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith

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St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Bartelsmeyer	Berkstresser	Boykins	Burcham	Cierpiot
Crump	Enz	Foley	Franklin	Green 73
Harlan	Johnson 61	Kelly 27	Marsh	Murphy
Reinhart	Secrest	Van Zandt		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Bartelsmeyer	Bearden	Boykins	Cierpiot	Crump
Enz	Farnen	Foley	Green 73	Harlan
Johnson 61	Marsh	Murphy	Portwood	Secrest
Surface	Van Zandt			

VACANCIES: 001

Representative Monaco assumed the Chair.

THIRD READING OF SENATE BILLS

HCS SCS SB 892, relating to cemetery services, was taken up by Representative O'Connor.

On motion of Representative O'Connor, **HCS SCS SB 892** was adopted.

On motion of Representative O'Connor, **HCS SCS SB 892** was read the third time and passed by the following vote:

AYES: 138

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Behnen	Berkowitz
Berkstresser	Black	Bland	Bonner	Boucher
Bowman	Bray 84	Britt	Brooks	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Fares	Farnen	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	King
Koller	Legan	Liese	Linton	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Portwood	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Troupe
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

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NOES: 012

Bearden	Boatright	Burcham	Henderson	Hendrickson
Hohulin	Hunter	Kelly 144	Lawson	Phillips
Purgason	Treadway			

PRESENT: 000

ABSENT WITH LEAVE: 012

Boykins	Crump	Enz	Foley	Franklin
Green 73	Harlan	Lograsso	Marsh	Murphy
Secrest	Van Zandt			

VACANCIES: 001

Representative Monaco declared the bill passed.

SCS SB 1026, relating to health insurance, was taken up by Representative Barry.

Representative Barry offered **HS SCS SB 1026**.

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

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

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 1

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 1026, Page 1, Section A, Line 11, by inserting the following:

“376.1231. 1. For purposes of this section, "health care provider" or "provider" means a chiropractic physician licensed pursuant to chapter 331, RSMo, or a medical physician or surgeon licensed pursuant to chapter 334, RSMo. Any health carrier, as defined in section 376.1350, shall not discriminate against any health care provider or group of providers based on licensure, or limit or restrict the diagnosis, treatment, management, or reimbursement of the same or similar condition, injury, complaint, disorder, or ailment while acting within the scope of their practice.

2. All health care providers may be subject to reasonable deductibles, co-payment, and coinsurance amounts, fee or benefit limits, practice parameters and reasonable utilization review; provided that any such amounts, limits, and review shall not function to direct treatment in a manner which unfairly discriminates against any health care providers and are no more restrictive than those applicable under the same policy of care or services provided by other health care providers in the diagnosis, treatment, and management of the same or similar conditions, injuries, complaints, disorders, or ailments, even if differing nomenclature is used to describe the condition, injury, complaint, disorder, or ailment.”; and

Further amend title, enacting clause and intersectional references accordingly.

Representative Wright moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 056

Ballard	Bartelsmeyer	Bartle	Bearden	Berkstresser
Black	Boatright	Burton	Byrd	Crawford
Crowell	Cunningham	Fares	Green 15	Hampton
Hanaway	Hartzler	Henderson	Hohulin	Jetton
Johnson 90	Jolly	Kelley 47	King	Legan
Liese	Linton	Lograsso	Long	Luetkemeyer
Marble	May 149	Miller	Moore	Myers
Naeger	Ostmann	Phillips	Portwood	Rector
Reid	Reinhart	Richardson	Ridgeway	Rizzo
Roark	Ross	Scott	Shields	Shoemaker
Smith	St. Onge	Surface	Townley	Vogel
Wright				

NOES: 083

Abel	Barnett	Barnitz	Barry 100	Behnen
Berkowitz	Bland	Bonner	Boucher	Bowman
Bray 84	Britt	Burcham	Campbell	Carnahan
Champion	Clayton	Copenhaver	Curls	Daus
Davis	Dempsey	Farnen	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 73	Griesheimer	Hagan-Harrell	Harding	Haywood
Hegeman	Hendrickson	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jones	Kelly 27
Koller	Lawson	Lowe	Luetkenhaus	Mayer
Mays 50	McKenna	Merideth	Monaco	Nordwald
O'Connor	O'Toole	Overschmidt	Paone	Purgason
Quinn	Ransdall	Relford	Reynolds	Robirds
Scheve	Schwab	Seigfreid	Selby	Shelton
Shoemyer	Thompson	Treadway	Troupe	Villa
Wagner	Walker	Walton	Ward	Whorton
Wilson 25	Wilson 42	Mr. Speaker		

PRESENT: 001

Kelly 36

ABSENT WITH LEAVE: 022

Baker	Boykins	Brooks	Cierpiot	Cooper
Crump	Dolan	Enz	Foley	Franklin
Harlan	Hickey	Hunter	Johnson 61	Kelly 144
Marsh	Murphy	Secrest	Skaggs	Van Zandt
Williams	Willoughby			

VACANCIES: 001

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

House Amendment No. 2

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 1026, Page 1, Section A, Line 2, by inserting after all of said line the following:

"194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his **or her** body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift.** An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent [under] **pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent [or of opposition by a member of the same or a prior class], may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney in fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body [under] **pursuant to** the uniform anatomical gift act;

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

(6) A guardian of the person of the decedent at the time of his **or her** death;

(7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent [or that a gift by a member of a class is opposed by a member of the same or a prior class], the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or

(3) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by [him] **such individual.**"; and

Further amend said bill, Page 8, Section 376.1253, Line 1 of said page, by inserting after all of said line the following:

"376.1275. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2003, shall include coverage for their members for the cost for human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing must be performed in a facility which is accredited by the American Association of Blood Banks or its successors, and is licensed under the Clinical Laboratory Improvement Act, 42 U.S.C. Section 263a, as amended, and is accredited by the American Association of Blood Banks or its successors, the College of American Pathologists, the American Society for Histocompatibility and Immunogenetics (ASHI) or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists. At the time of testing, the person being tested must complete and sign an informed consent form which also authorizes the results of the test to be used for participation in

the National Marrow Donor Program. The health benefit plan may limit each enrollee to one such testing per lifetime to be reimbursed at a cost of no greater than one hundred twenty-five dollars by the health carrier or health benefit plan.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The health care service required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

Section 1. The provisions of subsection 1 of section 294.220, RSMo, relating to allowing a minor who is at least sixteen years of age to effectuate a gift for any purpose specified in section 194.230, RSMo, through the driver's license or instruction permit application process, shall be effective July 1, 2003."; and

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

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

On motion of Representative Barry, **HS SCS SB 1026, as amended**, was adopted.

On motion of Representative Barry, **HS SCS SB 1026, as amended**, was read the third time and passed by the following vote:

AYES: 140

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Burcham
Burton	Campbell	Carnahan	Champion	Clayton
Cooper	Copenhaver	Crawford	Crowell	Cunningham
Curls	Daus	Davis	Dempsey	Fares
Farnen	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Liese	Linton
Lograsso	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Villa	Vogel
Wagner	Walker	Walton	Ward	Whorton
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

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NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 022

Baker	Boykins	Brooks	Byrd	Cierpiot
Crump	Dolan	Enz	Foley	Franklin
Green 73	Harlan	Hickey	Hunter	Kelly 144
Marsh	Monaco	Murphy	Secrest	Skaggs
Van Zandt	Williams			

VACANCIES: 001

Representative Monaco declared the bill passed.

Speaker Pro Tem Abel resumed the Chair.

HCS SS SCS SB 840, relating to the statute of limitations, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS SS SCS SB 840** was adopted.

On motion of Representative Hosmer, **HCS SS SCS SB 840** was read the third time and passed by the following vote:

AYES: 139

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Clayton	Cooper	Copenhaver	Crawford	Crowell
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Fares	Farnen	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Hegeman	Henderson	Hendrickson
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 27	Kelly 36
King	Koller	Legan	Liese	Linton
Lograsso	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott

Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Smith	St. Onge	Surface	Thompson
Townley	Troupe	Villa	Vogel	Wagner
Walker	Walton	Ward	Whorton	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 023

Baker	Barnitz	Boykins	Cierpiot	Crump
Enz	Foley	Franklin	Green 73	Harlan
Haywood	Hickey	Hunter	Kelly 144	Lawson
Marsh	Monaco	Murphy	Secrest	Skaggs
Treadway	Van Zandt	Williams		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SS#2 SCS SBs 984 & 985, relating to the Department of Natural Resources, was taken up by Representative Merideth.

Representative Merideth offered **HS SS#2 SCS SBs 984 & 985**.

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

House Amendment No. 1

AMEND House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 984 & 985, Page 31, Section 247.220, Line 13 of said page, by deleting the word “**absolutely**”.

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

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

House Amendment No. 2 was withdrawn.

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

House Amendment No. 2

AMEND House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 984 & 985, Page 63, Section 644.036, Lines 24 and 25 of said page, by deleting all of said lines; and

Further amend said bill, Page 64, Section 644.036, Lines 1 to 3 of said page, by deleting all of said lines and inserting in lieu thereof the following:

“5. Any listing required by Section 303(d) of the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq., to be sent to the U.S. Environmental Protection Agency for their approval that will result in any waters of this state being classified as impaired shall be adopted by rule pursuant to chapter 536, RSMo. Total maximum daily loads shall not be required for any listed waters that subsequently are determined to meet water quality standards.”.

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

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

House Amendment No. 3

AMEND House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 984 & 985, by inserting at the appropriate location the following section:

"644.581. Notwithstanding the provisions of section 644.570, RSMo, concerning the percentage ratio disbursement of grants and loans, if the full amount of grant and loan funds available for percentage ratio disbursement pursuant to section 644.578, 644.579, or 644.580, RSMo, are not disbursed to and accepted by eligible recipients, the department shall disburse any remaining funds to one or more of the other eligible recipients to which funds have already been disbursed and accepted."; and

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

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

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

House Amendment No. 4

AMEND House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 984 & 985, Page 7, Section 643.335, by inserting in the appropriate location the following:

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

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

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

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

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

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

amount shall include, to the maximum extent appropriate, reasonable costs for purchase of tools required to perform repairs and adjustment work on a failing vehicle owned by the person purchasing such tools.

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

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

Further amend title, enacting clause and intersectional references accordingly.

Representative Merideth raised a point of order that **House Amendment No. 4** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Britt assumed the Chair.

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

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

House Amendment No. 5

AMEND House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 984 & 985, by inserting at the appropriate location the following:

“[644.018. In any contested case or judicial proceeding filed after January 1, 1998, involving surface water in any flood-prone area, if any defendant has obtained and fully complied with a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction, pursuant to the zoning laws of this state or the laws and regulations of the Federal Emergency Management Agency, over the area in dispute, then the proper permitting and compliance with all conditions of such permitting of such project shall be conclusive proof that the project is a reasonable use and meets any reasonable-use test imposed by law or by a court.]”;

and

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

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

Representative Barnitz offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 984 & 985, Page 46, Section 414.043, Line 16 of said page, by deleting the words “**January 1, 2004**” and inserting in lieu thereof the following: “**July 31, 2005**”.

On motion of Representative Barnitz, **House Amendment No. 6** was adopted.

On motion of Representative Merideth, **HS SS#2 SCS SBs 984 & 985, as amended**, was adopted.

On motion of Representative Merideth, **HS SS#2 SCS SBs 984 & 985, as amended**, was read the third time and passed by the following vote:

AYES: 132

Abel	Barnitz	Barry 100	Bartle	Bearden
Behnen	Berkowitz	Berkstresser	Black	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Copenhaver
Crawford	Crowell	Cunningham	Curls	Daus
Davis	Enz	Fares	Farnen	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Lawson
Legan	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Moore
Murphy	Myers	Naeger	Nordwald	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Purgason
Quinn	Ransdall	Rector	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Seigfreid	Selby	Shelton	Shoemaker	Shoemyer
Smith	St. Onge	Surface	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Jetton

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 028

Baker	Ballard	Barnett	Bartelsmeyer	Bland
Boykins	Cooper	Crump	Dempsey	Dolan
Foley	Franklin	Fraser	Froelker	Hunter
Long	Marsh	Monaco	O'Connor	Portwood
Reid	Secrest	Shields	Skaggs	Thompson
Townley	Treadway	Willoughby		

VACANCIES: 001

Representative Britt declared the bill passed.

HCS SB 989, relating to property tax, was taken up by Representative Hartzler.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 989, by inserting the following in the appropriate location:

“137.776. As used in sections 137.776 to 137.782, the following terms mean:

- (1) "Assessor", the county assessor as provided for in chapter 53, RSMo;
- (2) "Certificate of value", a form for reporting the following:
 - (a) In the case of any deed not a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any lien or liens thereon; and
 - (b) A statement of the actual or intended use of such property; and
 - (c) A statement as to whether or not the transaction was at arms length; or
 - (d) The reason or reasons why any information set out in paragraphs (a) and (b) of this subdivision is not required, as set forth in section 137.780;
- (3) "Recorder", the recorder of deeds as provided for in chapter 59, RSMo;
- (4) "Residential, commercial or industrial real property", property which in the most recent assessment prior to the property's transfer was assessed as residential property or as utility, industrial, commercial, railroad and other real property as defined in section 137.016.

137.777. 1. No recorder shall accept for recording any deed or instrument by which any interest in residential, commercial, or industrial real property within the state of Missouri shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, any person or persons unless the deed or instrument indicates, in a manner to be determined by the state tax commission, that a completed certificate of value has been delivered to the assessor. The assessor shall file any certificate of value received by such assessor.

2. The following persons are responsible for the delivery of a certificate of value:

- (1) The grantee of the deed or instrument, or any responsible officer or agent of a grantee which is a corporation, partnership or other entity; or
- (2) The attorney, real estate agent or broker, or title company representing the grantee in any such transaction, or delivering the deed or other instrument to the recorder, and including each responsible officer and agent of the foregoing.

137.779. 1. Each certificate of value delivered pursuant to sections 137.776 to 137.782 shall be affirmed by one of the grantees, or the grantee's legal representative, as to the veracity of the declaration of value of the residential, commercial, or industrial real property transferred.

2. The form of the certificate of value shall include the affirmation required by subsection 1 of this section and shall be prescribed by the state tax commission, which shall provide an adequate supply of such forms without charge to each recorder in the state.

3. All certificates of value shall be made available by the assessor to the state tax commission or its representatives.

137.780. The financial data required on the certificate of value pursuant to sections 137.776 to 137.782 need not be provided on a certificate of value for a transfer of title or other interest in residential, commercial, or industrial real property:

- (1) When the consideration for the interest or property conveyed is less than one hundred dollars;
- (2) Made solely to provide or release security for a debt or obligation;
- (3) Which confirms or corrects a deed previously recorded;
- (4) Between husband and wife or parent and child with only nominal actual consideration therefor;
- (5) Made in settlement of a dissolution of marriage;
- (6) Made pursuant to a sale for delinquent taxes;
- (7) Made in the closing or liquidation of an estate or guardianship estate;
- (8) On partition;
- (9) Made by a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

- (10) Made in the foreclosure of a deed of trust or other security interest;
- (11) If the instrument was executed prior to the effective date of sections 137.776 to 137.782;
- (12) When the instrument is a mining or mineral lease;
- (13) When the transfer of title is to or from the United States, the state of Missouri, or any other instrumentality, agency, or political subdivision thereof;
- (14) Of cemetery lots;
- (15) When ordered by any court;
- (16) When such property is located in a political subdivision which has established by ordinance or amendment its own system of requiring certificates of value; except that, in such political subdivisions the provision of section 137.779 relating to making certificates of value available to the state tax commission shall apply.

137.782. 1. Except as provided in sections 137.776 to 137.780, no current or former assessor or state tax commissioner or any current or former deputy, employee or agent of such officer shall disclose any information received as a result of the filing of a certificate of value required by sections 137.776 to 137.780. Any information received as a result of the filing of a certificate of value as required by sections 137.776 to 137.780 shall be closed records and shall be exempt from disclosure, examination, and copying pursuant to chapter 610, RSMo.

2. Nothing in sections 137.776 to 137.782 shall be construed to prohibit:

(1) The use of information contained in a certificate of value by the assessor for statistical purposes in implementing a plan of general reassessment, as defined in section 137.073, or implementing an assessment and equalization maintenance plan approved pursuant to section 137.115;

(2) The use of information contained in a certificate of value by the state tax commission in developing ratios as required by chapter 163, RSMo, or other statistical purposes or public proceedings;

(3) The release of information contained in a certificate of value by the assessor upon receipt of a written request to a party who originally delivered the certificate of value or such party's duly authorized representative;

(4) The publication by the state tax commission of statistics so classified as to prevent the identification of particular certificates of value;

(5) The disclosure of certificates of value, or information related thereto, by the assessor upon receipt of a written request to the state auditor or the auditor's authorized employees or agents who have taken the oath of confidentiality required by section 29.070, RSMo, or the publication or disclosure by the state auditor of information concerning the certificates of value provided a particular certificate of value is not disclosed.

3. No deed may be filed without a certificate of value, for which there shall be a filing fee of ten dollars, payable at the time of filing.

137.784. Sections 137.776 to 137.782 shall become effective January 1, 2003.”; and

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

Representative Fares moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 043

Baker	Barry 100	Bearden	Bray 84	Byrd
Carnahan	Cunningham	Curls	Daus	Dempsey
Enz	Fares	Franklin	Fraser	Gambaro
George	Green 15	Green 73	Hagan-Harrell	Hanaway
Haywood	Hendrickson	Hilgemann	Holand	Hollingsworth
Holt	Johnson 61	Linton	Lowe	McKenna
Murphy	Ostmann	Paone	Portwood	Reid
Reynolds	Scheve	St. Onge	Treadway	Villa
Walton	Williams	Wilson 42		

NOES: 106

Abel	Ballard	Barnett	Barnitz	Bartle
Behnen	Berkowitz	Berkstresser	Black	Bland
Boatright	Bonner	Boucher	Bowman	Brooks
Burcham	Burton	Campbell	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Davis	Dolan	Farnen	Froelker	Gaskill
Graham	Gratz	Griesheimer	Hampton	Harding
Hartzler	Hegeman	Henderson	Hohulin	Hoppe
Hosmer	Hunter	Jetton	Johnson 90	Jolly
Jones	Kelley 47	Kelly 144	Kelly 27	Kelly 36
King	Koller	Lawson	Legan	Liese
Lograsso	Luetkemeyer	Luetkenhaus	Marble	May 149
Mayer	Mays 50	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
O'Toole	Overschmidt	Phillips	Purgason	Quinn
Ransdall	Rector	Reinhart	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
Surface	Thompson	Townley	Van Zandt	Vogel
Wagner	Walker	Ward	Whorton	Willoughby
Wilson 25				

PRESENT: 000

ABSENT WITH LEAVE: 013

Bartelsmeyer	Boykins	Britt	Crump	Foley
Harlan	Hickey	Long	Marsh	Secrest
Troupe	Wright	Mr. Speaker		

VACANCIES: 001

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 989 by inserting the following in the appropriate location:

“Section 1. No city or county shall be allowed to pass by ordinance or order a certificate of value for purposes of establishing a value for property for purposes of property tax assessment. Any ordinance or order in existence upon the effective date of this section shall be null and void.”; and

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

Representative Griesheimer offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

Representative Fares raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** not a true substitute amendment.

The Chair ruled the point of order well taken.

On motion of Representative Griesheimer, **House Amendment No. 2** was adopted by the following vote:

AYES: 079

Barnett	Barnitz	Barry 100	Bartelsmeyer	Bartle
Behnen	Berkstresser	Boatright	Bonner	Boucher
Brooks	Burcham	Burton	Byrd	Cierpiot
Cooper	Crawford	Crowell	Cunningham	Enz
Gaskill	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Hartzler	Henderson	Hohulin	Hunter	Jetton
Johnson 90	Kelley 47	Kelly 27	King	Lawson
Liese	Linton	Lograsso	Luetkemeyer	Marble
May 149	Mayer	McKenna	Miller	Moore
Naeger	Nordwald	Overschmidt	Phillips	Portwood
Purgason	Quinn	Rector	Reinhart	Relford
Richardson	Ridgeway	Roark	Robirds	Ross
Scheve	Schwab	Scott	Selby	Shields
Shoemaker	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Vogel	Wagner
Walker	Walton	Wright	Mr. Speaker	

NOES: 064

Bearden	Berkowitz	Black	Bland	Bowman
Bray 84	Campbell	Carnahan	Champion	Clayton
Copenhaver	Curls	Daus	Davis	Dempsey
Dolan	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	George	Graham	Green 15
Harding	Haywood	Hendrickson	Hickey	Hilgemann
Hollingsworth	Holt	Hoppe	Hosmer	Johnson 61
Jolly	Jones	Kelly 36	Koller	Lowe
Luetkenhaus	Mays 50	Merideth	Monaco	Murphy
Myers	O'Connor	O'Toole	Ostmann	Paone
Ransdall	Reid	Reynolds	Rizzo	Seigfreid
Shoemyer	Van Zandt	Villa	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	

PRESENT: 001

Fares

ABSENT WITH LEAVE: 018

Abel	Baker	Ballard	Boykins	Britt
Crump	Gratz	Green 73	Harlan	Hegeman
Holand	Kelly 144	Legan	Long	Marsh
Secrest	Shelton	Skaggs		

VACANCIES: 001

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 989 by inserting in the appropriate location the following:

"137.102. 1. This act shall be known and may be cited as "The Missouri Homestead Preservation Act."

2. Notwithstanding any provision of law to the contrary, the assessed value of residential property, excluding any value added by new construction or improvements, which is owned by any person who is under sixty-five years of age and who uses such property as a homestead, or owned by any person who is sixty-five years of age or older who has used such property as a homestead for a period of less than five years, shall not increase during any two-year reassessment period by more than five percent.

3. The assessed value of residential property, excluding any value added by new construction or improvements, which is owned by any person who is sixty-five years of age or older and who has used such property as a homestead shall not increase during the period of time such person resides on that property after attaining the age of sixty-five years."; and

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

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

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Pro Tem Abel resumed the Chair.

Representative Clayton offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1 to House Amendment No. 3 was withdrawn.

Representative Gambaro assumed the Chair.

Representative Relford offered **House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1
to
House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 989, Page 1, Line 18, by inserting after the word "years." the following:

"4. If a political subdivision suffers a loss of revenue by reason of such exemption, the political subdivision shall be entitled to restitution from the state for lost revenue. To achieve this restitution, the general assembly shall appropriate funds to be distributed to the affected political subdivision."

Representative Relford moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated.

On motion of Representative Portwood, **House Amendment No. 3** was adopted by the following vote:

AYES: 115

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Bland	Boatright	Boucher	Bowman
Boykins	Britt	Byrd	Campbell	Champion
Cooper	Copenhaver	Crawford	Crowell	Cunningham
Curls	Davis	Dempsey	Enz	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hampton	Hanaway	Harding
Harlan	Hegeman	Henderson	Hendrickson	Hickey
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Legan	Linton	Lograsso	Luetkemeyer	Marble
May 149	Mayer	Mays 50	McKenna	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	Ostmann	Overschmidt	Paone
Phillips	Portwood	Purgason	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Seigfreid	Selby
Shields	Shoemaker	Shoemyer	Smith	St. Onge
Surface	Townley	Troupe	Vogel	Wagner
Walker	Walton	Willoughby	Wilson 42	Mr. Speaker

NOES: 016

Berkstresser	Bray 84	Carnahan	Clayton	Daus
Farnen	Franklin	Fraser	Hagan-Harrell	Hartzler
Haywood	Hilgemann	Thompson	Villa	Williams
Wilson 25				

PRESENT: 002

Brooks	Fares
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ABSENT WITH LEAVE: 029

Black	Bonner	Burcham	Burton	Cierpiot
Crump	Dolan	Foley	Green 73	Hohulin
Johnson 61	Jones	Lawson	Liese	Long
Lowe	Luetkenhaus	Marsh	Merideth	O'Toole
Richardson	Secrest	Shelton	Skaggs	Treadway
Van Zandt	Ward	Whorton	Wright	

VACANCIES: 001

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 989, Page 2, Section 137.082, Line 41, by inserting after the word "classifications" the words:

", any county of the first classification with more than thirty-nine thousand seven hundred but less than thirty-nine thousand eight hundred inhabitants,".

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

Speaker Pro Tem Abel resumed the Chair.

HCS SB 989, as amended, was laid over.

APPOINTMENT OF CONFERENCE COMMITTEES

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

SS#2 SCS HB 1446: Representatives Luetkenhaus, Clayton, Ward, Burton and Luetkemeyer

SCS HB 1402: Representatives Mays (50), Gratz, O'Toole, Burton and Rector

HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738: Representatives Koller, Green (73), Berkowitz, Ostmann and Crawford

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 **HB 1086**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HB 1348**, entitled:

An act to repeal sections 142.028, 254.020, 254.040, 261.110, 261.230, 261.235, 261.239, 263.531, 270.170, 275.464, 311.554, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions and a severability clause.

With Senate Amendment No. 2 to Senate Amendment No. 1, Senate Amendment No. 3 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, Senate Amendment No. 2 and Senate Amendment No. 3

Senate Amendment No. 2

to

Senate Amendment No. 1

AMEND Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 2, Section 281.217, Line 27, by striking Lines 27-29.

Senate Amendment No. 3
to
Senate Amendment No. 1

AMEND Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 1, Section 281.217, Line 10, by striking “twenty” and inserting “**ten**”; and further on Line 12, by striking “eighty” and inserting “ninety”.

Senate Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 19, Section 275.464, Line 28, by inserting after all of said line the following:

“281.217. 1. There is hereby created in the state treasury the “Pesticide Project Fund”. In addition to the annual registration fee imposed by section 281.260, an annual registration fee of fifty dollars shall be imposed for each product registered pursuant to section 281.260, and credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:

(1) Up to twenty percent for the administration of the pesticide project fund and the pesticide registration program;

(2) Up to eighty percent for distribution to projects that relate to: pesticide and agriculture education efforts; pesticide applicator training; pesticide and water quality monitoring activities; household and agricultural pesticide and pesticide container disposal initiatives; integrated pest management (IPM) practices; and applied research on IPM and water quality improvement programs at the University of Missouri agricultural research stations;

2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. To be eligible for moneys in the pesticide project fund, applicants shall submit a proposed project plan to the director by March thirty-first, prior to the fiscal year in which the moneys are to be allocated. Allocation of project moneys will be dependent upon an executed memorandum of understanding between the entity receiving the moneys and the director.

4. Within thirty days of the end of the state fiscal year in which moneys are allocated, the recipients of the moneys shall submit to the director a report which shall contain an accounting of all moneys expended from the pesticide project fund during such fiscal year and a report of the project or projects for which the moneys were utilized.

5. Any unobligated or unexpended project moneys allocated to an entity shall revert to the pesticide project fund within sixty days of the close of the project.

6. If an entity fails to complete a project as outlined in the project plan and memorandum of the understanding, the entity shall submit partial or full repayment of the allocated moneys to the pesticide project fund as determined by the director.

7. No moneys, except moneys for pesticide project fund or pesticide registration program administration, shall be withdrawn from the fund prior to July 1, 2003.

8. If the balance of the pesticide project fund exceeds five million dollars in unobligated funds during any calendar year, fees required for registration of pesticides will be reduced to fifteen dollars the following registration period. When the fund attains a balance of three million dollars, the registration fee will be increased to one hundred twenty-five dollars the following registration period.

9. The pesticide project fund shall be administered by the plant industries division, or any successor division, within the department of agriculture.

10. The department shall provide a written report to the chairpersons of the house agriculture and senate agriculture, parks and tourism committees at the opening of every session of the Missouri general assembly providing a detailed account of the programs funded and grants made from the pesticide project fund as well as a description of the expected benefit to the agriculture community.

11. Any moneys remaining in the pesticide project fund on January 1, 2006, shall revert to the credit of the general revenue fund and the pesticide project fund shall be abolished.

12. The provisions of this section shall expire on January 1, 2006.

281.240. 1. No person shall distribute, sell, offer for sale, hold for sale, deliver for transportation, or transport in intrastate commerce or between points within this state through any point outside of this state any of the following:

(1) Any pesticide which has not been registered pursuant to the provisions of section 281.260, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its registration; provided that, in the discretion of the director, a minor change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product. **Any change in company name, trade name, active ingredient, concentration of active ingredient, or environmental protection agency (EPA) registration number shall not be considered a minor change and shall require registration as a new product;**

(2) Any pesticide, unless it is in the registrant's or the manufacturer's unbroken immediate container or a bulk container sealed by the registrant, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;
(b) The name, brand, or trademark under which said article is sold; and
(c) The net weight or measure of the contents, subject, however, to such reasonable variations as the director may permit;

(3) Any pesticide which contains any substance or substances in quantities highly toxic to man unless the label shall bear, in addition to any other matter required by sections 281.210 to 281.310:

(a) The skull and crossbones;
(b) The word "poison" prominently, in red, on a background of distinctly contrasting color; and
(c) A statement of an antidote for the pesticide;
(4) Any pesticide which is adulterated or misbranded, or any device which is misbranded.

2. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in sections 281.210 to 281.310, or rules promulgated thereunder, or to add any substance to or take any substance from a pesticide in a manner that may defeat the purpose of sections 281.210 to 281.310;

(2) For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of this state, the courts of this state in response to a subpoena, physicians, or, in emergencies, pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 281.260.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale within this state, or which is delivered for transportation or transported in intrastate commerce or between points within this state through any point outside of this state, shall be registered in the office of the director, and the registration shall be renewed annually.

2. The registrant shall file with the director a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) The name of the pesticide;

(3) Classification of the pesticide; and

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

3. The registrant shall pay an annual fee of fifteen dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the general revenue fund. All such registrations shall expire on December thirty-first of any one year, unless sooner canceled. A registration for a special local need pursuant to subsection 6 of this section, which is disapproved by the federal government, shall expire on the effective date of the disapproval.

4. Any registration approved by the director and in effect on the thirty-first day of December for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the expiration date.

5. If the renewal of a pesticide registration is not filed prior to January first of any one year, an additional fee of [five] **fifty** dollars shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued; provided, that, such additional fee shall not apply if the applicant

furnishes an affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry.

6. Provided the state complies with requirements of the federal government to register pesticides to meet special local needs, the director shall require that registrants comply with sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more pesticides meet the requirements of this subsection, one shall not be registered in preference to the other.

7. The director may require the submission of the complete formula of any pesticide to approve or deny product registration. If it appears to the director that the composition and efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of sections 281.210 to 281.310, [he] **the director** shall register the pesticide.

8. The director, after opportunity for hearing, may deny, cancel, suspend, or revoke a pesticide registration if, after consideration to pertinent research findings and recommendations of other agencies of this state, the federal government or other reliable sources, the pesticide may cause damage or injury, or is considered dangerous or harmful to persons or the environment.

9. Provided the state is authorized to issue experimental use permits, the director may:

(1) Issue an experimental use permit to any person applying for an experimental use permit if [he] **the director** determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide [under] **pursuant to** sections [263.269 to 263.380] **281.210 to 281.310**. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;

(2) Prescribe terms, conditions, and period of time for the experimental permit which shall be under the supervision of the director;

(3) Revoke any experimental permit, at any time, if [he] **the director** finds that its terms or conditions are being violated, or that its terms [and] **or** conditions are inadequate to avoid unreasonable adverse effects on the environment.

[9.] **10.** If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws, [he] **the director** shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered or, in the case of a pesticide that is already registered, that it not be canceled, the director, within ninety days, shall hold a public hearing to determine if the pesticide in question should be registered or canceled. If, after such hearing, it is determined that the pesticide should not be registered or that its registration should be canceled, the director may refuse registration or cancel an existing registration until the required label changes are accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from administrative decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.

[10.] **11.** Notwithstanding any other provision of sections 281.210 to 281.310, registration is not required in the case of a pesticide shipped from one plant or warehouse within this state to another plant or warehouse within this state when such plants are operated by the same persons.

[11.] **12.** The director shall not make any lack of essentiality a criterion for denying registration of a pesticide except where none of the labeled uses are present in the state. Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be registered in preference to the other.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 31, Section 414.043, Line 23 of said page, by inserting after all of said line the following:

“578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as “The Animal Research and Production Facilities Protection Act”.

2. As used in sections 578.405 to 578.412, the following terms mean:

(1) “Animal”, every living creature, domestic or wild, but not including *Homo sapiens*;

(2) “Animal facility”, any facility, **animal farming operation, business or organization** engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility [and], the offices [and], **barns, buildings, or other structures, the vehicles of any such persons while engaged in duties related to the animal facility, and any premises, private property, where animals are located, including but not limited to the barns or areas where the animals are pastured, housed, or otherwise quartered;**

(3) “Director”, the director of the department of agriculture.

578.407. No person shall:

(1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtain, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) Enter or remain on an animal facility with the intent to commit an act prohibited by this section;

(7) Photograph, videotape, or otherwise obtain images from within a structure that an animal is housed without the express written consent of the animal facility;

(8) Intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease in any animal at the animal facility or which otherwise threatens human health or biosecurity at the animal facility.

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section 578.407** or if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407 **including any relief authorized under subsection 5 of this section.** The owner or operator of the animal facility may petition the court to permanently enjoin

such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412] **initiate civil legal action in the circuit court of the county where the violation occurred.** The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 28, Section 348.432, Line 10 of said page, by inserting after all of said line the following:

“407.592. Sections 407.585 to 407.592 shall apply to any new farm machinery sold after January 1, 1988, but no provision of sections 407.585 to 407.592 shall operate or be construed to invalidate, impair, or otherwise infringe upon the specific requirements of any contract between a dealer and a manufacturer entered into prior to September 28, 1987, and which is in effect on September 28, 1987; provided, however, that in any case wherein warranty repair work is performed for a consumer by a farm equipment dealer under the provisions of a manufacturer's express warranty, the manufacturer shall reimburse the dealer at an hourly labor rate that is the same or greater than the hourly labor rate the dealer currently charges consumers for nonwarranty repair work. **The dealer may accept the manufacturer's reimbursement terms and conditions in lieu of the above.**”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1773**, entitled:

An act to repeal sections 84.140 and 84.160, RSMo, and to enact in lieu thereof two new sections relating to the police force in certain cities, 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 **SS SCS HS HCS HB 1962**, entitled:

An act to repeal sections 43.530, 43.540, 50.333, 57.290, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012, 488.015, 488.445, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.4720, 494.430, 506.060, 510.120, 511.510, 516.097, 517.111, 517.141, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 565.030, 565.084, 577.051, 589.410, 595.045 and 644.036, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-one new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 1 to Senate Amendment No. 6, Senate Amendment No. 6, as amended, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16, Senate Amendment No. 17, Senate Amendment No. 18 and Senate Amendment No. 21

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 39, Section 488.2253 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 81, Section 6, Line 26, by inserting after all of said line the following:

“Section 7. Bonds posted by a licensed bail bondsman shall be released at the time of sentence imposition.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 41, Section 488.4014, by striking all of said section; and

Further amend said bill, Page 43, Section 488.5320, by striking all of said section; and

Further amend said bill, Page 66, Section 595.045, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 56, Section 517.111, by striking all of said section; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 6*

AMEND Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 2 of amendment, Section 287.210, Line 8, by deleting said line and inserting in lieu thereof the following: **“administrative law judge against the head injury fund and become immediately”**.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 12, Section 143.782, Line 25, by inserting immediately after said line the following:

“287.210. 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, his insurer, the commission, the division or an administrative law judge, the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. **In the case of a claim against the second injury fund, the administrative law judge may appoint an impartial physician to examine at the request of the state upon a finding that there is no other adequate medical evidence available and necessary to the state upon the issues presented by the second injury claim.** The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be [paid as other costs under this chapter] **assessed by the administrative law judge against any party and become immediately payable.** If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation [under] **pursuant to** this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms “physician's report” and “medical report” mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term “complete medical report” means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other foundational evidence subject to compliance with the following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination

testimony by deposition not later than seven days before the matter is set for hearing, and each cross-examiner shall compensate the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. [The provisions of this subsection shall not apply to claims against the second injury fund.]

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation [under] **pursuant to** this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed.”; and

Further amend the title by striking the words after “relating” and substitute in lieu thereof “**to judicial and administrative procedures and practices**”; and

Further amend the enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 12, Section 50.333, Line 3, by inserting after all of said line the following:

“59.041. [1.] Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county which becomes a county of the second class after September 28, 1987, and wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the governing body of the county authorizes the separation of the offices as provided in section 59.042.

[2. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than twenty-seven thousand six hundred but less than twenty-eight thousand six hundred and wherein the offices of the district I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the district I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of district I clerk of the circuit court shall remain appointed by the circuit court.]”.

Senate Amendment No. 9

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Pages 22-24, Section 477.650, by deleting all of said section; and

Further amend said bill, Pages 37-38, Section 488.031, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 76, Section 644.036, Lines 22-26, by striking all of said lines and inserting in lieu thereof the following:

“5. Any listing required by Section 303(d) the Federal Clean Water Act to be made to EPA for their approval that will result in waters of this state to be classified as impaired shall be adopted by rule pursuant to chapter 536, RSMo. Total maximum daily loads shall not be required for any listed water which subsequently are determined to meet water quality standards.”.

Senate Amendment No. 13

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 5, Section 43.540, Line 7, by inserting after all of said line the following:

“49.272. 1. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.”; and

Further amend said bill, Page 11, Section 50.333, Line 29, by inserting after all of said line the following:

“56.640. 1. If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 39, Section 488.445, Line 10, by inserting after all of said line the following:

“488.2250. 1. For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of [one dollar and fifty cents] **two dollars and twenty-five cents per twenty-five line page for the original of the transcript, and the sum of [thirty-five] **fifty** cents per twenty-five line page for each [carbon] copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of**

approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his **or her** discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for [the original of] which he **or she** shall receive [one dollar and fifty cents] **two dollars and twenty-five cents** per [legal] **twenty-five line** page and for [the] **additional** copies [twenty] **fifty** cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

2. Beginning January 1, 2004, the amounts a court reporter shall receive for transcripts described in subsection 1 of this section shall be increased or decreased on an annual basis, effective January first of each year, in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register each year, as soon after the first day of January as practical, but shall be otherwise exempt from the provisions of section 536.021, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 62, Section 565.030, Line 21, by deleting the word “nine” and insert in lieu thereof the words **“at least nine but less than twelve”**; and

Further amend said line and Lines 21 and 22, by deleting the words “are unable to decide or”; and

Further amend said bill on Page 62, Section 565.030, Line 25, by deleting the brackets around the words “or death” and inserting after said words the following:

“, but if less than nine of the twelve jurors agree upon setting the punishment at death, the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release by act of the governor”.

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 22, Section 476.385, Line 21, by inserting after the end of said line the following:

“476.689. Any person appointed to serve as a judge pursuant to the provisions of sections 476.515 to 476.565, with a vested right to receive retirement benefits pursuant to chapter 104, RSMo, may elect to transfer and receive credit for all previous creditable service pursuant to chapter 104, RSMo. Any person electing to transfer such creditable service as a judge shall elect in writing and waive all right to any other retirement benefit provided for pursuant to chapter 104, RSMo.”; and

In addition thereto, by modifying the title, enacting clause and intersectional references accordingly.

Senate Amendment No. 17

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 74, Section 595.045, Line 21 of said page, by inserting immediately after said line the following:

“610.106. [Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.] **1. In the event a person is charged with a criminal offense and subsequently enters a guilty plea or is found guilty and imposition of sentence is suspended in the case for a period of time while the person is on court-ordered probation:**

(1) The official records of the case shall remain open until such time as the court-ordered probation is successfully completed;

(2) Upon successful completion of the court-ordered probation, the records of the case shall be sealed and closed for all purposes, notwithstanding any provision of the law or court order to the contrary; and

(3) Upon successful completion of the court-ordered probation, the person shall not thereafter be impeached by his or her arrest, charges, conviction or guilty plea in the case, except that a guilty plea entered in an alcohol-related case may be pled for the purpose of the enhancement of the sanction in accordance with the statutes provided.

2. Records required to be sealed and closed pursuant to this section shall be inaccessible to all persons other than the defendant, notwithstanding any provision of law to the contrary.

3. Nothing in this section shall be construed, interpreted or applied to deny or abridge any person's constitutional or statutory protection against double jeopardy.

4. The provisions of subsections 1, 2 and 3 of this section shall apply to all cases terminating prior to, on, or after the effective date of this section, except no case which terminated before the effective date of this section shall be re-opened because of any provision of this section.

610.110. No person as to whom such records have become **sealed or** closed [records] **pursuant to section 610.105 or 610.106** shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his **or her** failure to recite [or], acknowledge [such arrest or trial], **admit or confess any aspect of any such arrest or any such case** in response to any inquiry made of him **or her** for any purpose[, except as provided in section 491.050, RSMo, and section 610.120].”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 18

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 2, Section A, Line 10, by inserting after all of said line the following:

"1.302. The compelling state interest test shall be imposed on all state and local laws and ordinances in all cases in which free exercise and enjoyment of religious belief or practice is substantially burdened.

1.305. 1. A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest.

2. "Exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. "Demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief, except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state or local civil rights law.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 21

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 27, Section 483.015, Line 13, by deleting the opening bracket and inserting after the word “and” the following: “;”, and

Further amend Line 14, by deleting the closing bracket and inserting after the word “Louis” the following: “, **subject to subsection 3**”; and

Further amend Page 28, Line 5, by inserting after “subsection.” the following:

“This subsection shall take effect only in the event that the constitutional amendment on the November 2002 ballot, giving “home rule” to the city of St. Louis, shall not pass, and further that the issue of whether the circuit clerk shall be appointed shall then be placed on the ballot at the general election in November 2004. The issue shall be submitted to the voters as follows:

‘Shall the circuit clerk of the city of St. Louis be appointed by the majority of the circuit judges of the circuit court for the city of St. Louis?’

If a majority of the qualified voters of the city vote “yes”, then the office of circuit clerk for the city of St. Louis shall be appointed by a majority of the circuit judges of the twenty-second judicial circuit in accordance with the provisions of this subsection. If a majority of the qualified voters of the city vote “no” then the circuit clerk for the city of St. Louis shall be elected in accordance with the provisions of this section.”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SB 895, as amended**: Senators Yeckel, Childers, Foster, Schneider and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SCS SBs 915, 710 & 907, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

BILL CARRYING REQUEST MESSAGE

HS SCS SBs 915, 710 & 907, as amended, relating to transportation funding, was taken up by Representative Koller.

Representative Koller moved that the House refuse to recede from its position on **HS SCS SBs 915, 710 & 907, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like Committee from the Senate on the following bill:

HS SCS SBs 915, 710 & 907: Representatives Koller, Green (73), Berkowitz, Ostmann and Crawford

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HS HCS HB 1962, as amended, relating to court procedures, was taken up by Representative Monaco.

Representative Monaco moved that the House refuse to adopt **SS SCS HS HCS HB 1962, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SB 989, as amended, relating to property tax, was again taken up by Representative Hartzler.

Representative Hartzler moved that **HCS SB 989, as amended**, be adopted.

Representative Berkstresser moved that **HCS SB 989, as amended**, be referred to the Committee on Fiscal Review and Government Reform.

Which motion was adopted.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

SCR 57 - Miscellaneous Bills & Resolutions

SCR 64 - Miscellaneous Bills & Resolutions

SCR 69 - Miscellaneous Bills & Resolutions

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS SB 665 - Fiscal Review and Government Reform (Fiscal Note)

HCS SS SCS SBs 923, 828, 876, 694 & 736 - Fiscal Review and Government Reform
(Fiscal Note)

COMMITTEE REPORTS

Committee on Labor, Chairman George reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **SCR 41**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the State of Missouri is currently facing unique rural and urban primary care workforce issues, including a significant imbalance between the primary care and specialty care workforce in our urban areas and a shortage of traditional primary health care workforce in our state's rural areas; and

WHEREAS, there exists a need for a study on access for Missourians to the health care provider market in the state and the recommendation of specific legislative or enforcement initiatives to insure ample choice for Missouri citizens and to insure affordable health care in the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Primary Care Workplace Adequacy in Missouri; and

BE IT FURTHER RESOLVED that such Committee shall examine the rural and urban primary care workforce issues facing the State of Missouri, including those involving trauma and critical care services, examine the imbalance between primary care and specialty care in the urban areas and its effect on the cost and access to health care, examine the issue of primary care shortage in the rural areas and its effect on the cost and access to health care in the rural areas, examine current Department of Health and Senior Services programs which support primary care training and make recommendations for its modification and enhancement as needed; and

BE IT FURTHER RESOLVED that said Committee shall be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that Senate Research, the Committee on Legislative Research, and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 896**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Ways and Means, Chairman Hilgemann reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 1203**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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 **HB 1988**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 758**, and has taken up and passed **CCS HCS SB 758**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HJR 47**, entitled:

Submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri relating to political subdivision revenue bonds for utility, industrial and airport purposes, and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1402, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**: Senators Westfall, Russell, Klindt, Staples and Goode.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 1041**, entitled:

An act to repeal sections 67.1360, 92.327, 92.336, 94.875 and 620.467, RSMo, relating to tourism, and to enact in lieu thereof twelve new sections relating to the same subject.

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

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 4, Section 67.1360, Line 26, by striking the word “or” as it appears at the end of said line; and

Further amend said bill and section, Page 5, Line 4, by inserting after “inhabitants;” the following:

“or

(23) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;”.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 5, Section 67.1360, Line 21, by inserting immediately after said line the following:

“67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

(1) “Airport authority”, an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;

(2) “Airport”, Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(3) “Airport taxicab”, a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;

(4) “Chief executive”, the mayor of the city and the county executive of the county;

(5) “City”, a city not within a county;

(6) “Commission”, the regional taxicab commission created in section 67.1804;

(7) “County”, a county with a charter form of government and with more than one million inhabitants;

(8) “District”, the geographical area encompassed by the regional taxicab commission;

(9) “Driver”, an individual operator of a motor vehicle and may be an employee or independent contractor;

(10) “Hotel and restaurant industry”, the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;

(11) “Municipality”, a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;

(12) “On-call/reserve taxicab”, any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;

(13) “Premium sedan”, any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;

(14) “Taxicab”, airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs;

(15) “Taxicab company”, the use of one or more taxicabs operated as a business carrying persons for hire;
 (16) “Taximeter”, a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1802. There is hereby established a “Regional Taxicab District”, with boundaries which shall encompass any city not within a county and any county with a charter form of government and with more than one million inhabitants, including all incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a “Regional Taxicab Commission”, which shall be a body politic and corporate vested with all the powers expressly granted to it herein and created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system, and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. Nothing shall prohibit a representative of the taxicab industry from being chairperson.

2. In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

- (1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;
- (2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;
- (3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated “at large” and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

- (1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;
- (2) Cooperate and collaborate with the hotel and restaurant industry to:
 - (a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and
 - (b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;
- (3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;
- (4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;
- (5) Contract with any public or private agency, individual, partnership, association, corporation or other

entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue, and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the Consumer Price Index; and

(10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.

67.1810. 1. To implement internally the powers which it has been granted, the commission shall:

(1) Elect its own vice chair, secretary, and such other officers as it deems necessary, make such rules as are necessary and consistent with the commission's powers;

(2) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;

(3) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;

(4) Make decisions by affirmative vote of the majority of the commission; provided that each of the commissioners, including the chairperson, shall be entitled to one vote on each matter presented for vote and provided further that at least two city appointees and two county appointees, excluding the chairperson, must be included in each majority vote of the commission.

2. The commission shall not exceed or expend moneys in excess of any fees collected and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical, to preserve within the code provisions similar to those contained in chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission shall present a draft of its district-wide taxicab code at public hearings, one of which will be held in the city and another in the county, following prior public notice of same. Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to each hearing in a newspaper of general circulation in the city and county. The commission shall adopt its taxicab code no later than one hundred eighty days after the appointment of the initial commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption without the requirement of public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport authority generally regarding the taxicab code and, in particularly with reference to airport taxicabs, shall seek to ensure:

(1) Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;

(2) The need of the airport authority to provide services at the airport's passenger terminals; and

(3) Airport authority involvement as to the servicing of the airport by airport taxicabs.

The commission shall not regulate the airport or airport taxicabs as to cab parking, circulation, cab stands, or passenger loading at the airport, or the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect and be enforced as such by the city and county until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded as well as ordinances adopted by municipalities within the county. Upon the effective date of the taxicab code:

(1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code

shall rest exclusively with the regional taxicab commission;

(2) All taxicabs subject to the taxicab code shall be required to comply fully with the taxicab code, notwithstanding any previously issued licenses or certificates of convenience;

(3) All permits valid and effective as of August 28, 2002, shall remain valid and effective until the date of expiration or renewal of such permit; and

(4) All available taxicab licensing, inspection, and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code.

The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees as well as local business licenses which do not seek to regulate taxicab use shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses. The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual fee-generated budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab commission shall make an annual report to the chief executive officers and to the governing bodies of the city and county stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants who shall annually examine the books, papers, documents, accounts, and vouchers of the commission, and who shall report thereon to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts, and vouchers, and shall in every way assist such certified public accountants in the performance of their duties pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 8, Section 94.875, Line 15, by inserting after all of said line the following:

“311.481. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink between the hours of 11:00 a.m. on Sunday and midnight on Sunday at retail for consumption on the premises of any airline club as described in the application. As used in this section, the term “airline club” shall mean an establishment located within an international airport and owned, leased, or operated by or on behalf of an airline, as a membership club and special services facility for passengers of such airline.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises

where sold, shall apply to each airline club in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a person licensed pursuant to this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees; except that the requirements other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply.”; and

Further amend said bill, Page 15, Section 620.467, Line 14, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to clarify the law relating to Sunday liquor sales in airline clubs, the enactment of section 311.481 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 311.481 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 8, Section 94.875, Line 15 of said page, by inserting after all of said line the following:

“407.610. 1. Any person who intends to use any promotional device or promotional program, including any sweepstakes, gift award, drawing or display booth, or any other such award or prize inducement items, to advertise, solicit sales or sell any time-share period, time-share plan, or time-share property in the state of Missouri **or sell any tourist-related services as defined pursuant to subsection 8 of this section where a consumer is required to provide any consideration other than monetary for such tourist-related services**, shall notify the Missouri attorney general in writing of this intention not less than fourteen days prior to release of such materials to the public. Included with such notice shall be an exact copy of each promotional device and promotional program to be used. Each promotional device, promotional program, and the notice thereof shall include the following information:

(1) A statement that the promotional device or promotional program is being used for the purpose of soliciting sales of a time-share period, time-share plan or time-share property;

(2) The date by which all such awards or other prize inducement items will be awarded;

(3) The method by which all such items will be awarded;

(4) The odds of being awarded such items;

(5) The manufacturer's suggested retail price of such items; and

(6) The names and addresses of each time-share plan or business entity participating in the promotional device or promotional program.

2. Any material change in a promotional device or promotional program previously submitted to the attorney general shall constitute a new promotional device or promotional program and shall be resubmitted to the attorney general with the notice thereof.

3. It shall be a violation of section 407.020 for any person to:

(1) Fail to comply with the provisions of the notice requirements of this section;

(2) Provide to the attorney general in the notice required by this section any information that is false or misleading in a material manner;

(3) Represent to any person that the filing of the notice of the promotional device or the promotional program constitute an endorsement or approval of the promotional device or promotional program by the attorney general;

(4) Engage in any act or practice declared to be unlawful by section 407.020 in connection with the use of any promotional device or promotional program or any advertisement, or sale of time-share plans, time-share periods or time-share property.

4. At least one of each prize featured in a promotional program shall be awarded by the day and year specified in the promotion. When a promotion promises the award of a certain number of each prize, such number of prizes shall be awarded by the date and year specified in the promotion. A record shall be maintained containing the names and addresses of winners of the prizes and the record shall be made available, upon request, to the public, upon the payment of reasonable reproduction costs. If a seller for any reason does not provide, at the time of a site visitation or visitation to a time-share sales office, the inducement gift which was promised, the seller shall deliver the gift, or an acceptable

substitute therefor agreed upon in writing, to the prospective purchaser or purchaser no later than ten days following such visitation, or shall deliver instead of such gift cash in an amount equal to the retail value of the gift.

5. If a prospective purchaser or purchaser does not receive the gift or the cash as provided in subsection 4 of this section, he may bring an action under the provisions of section 407.025. For purposes of actions brought pursuant to this section, the term “actual damages”, as used in section 407.025, shall mean at least five times the cash retail value of the most expensive gift offered, but shall not exceed one thousand dollars, in addition to such other actual damages as may be determined by the evidence.

6. The provisions of sections 407.600 to 407.630 shall not apply to a person who has acquired a time-share period for his own occupancy and later offers it for resale.

7. If the sale of a time-share plan or of time-share property is subject to the provisions of sections 407.600 to 407.630, such sale shall not be subject to the provisions of chapter 339, RSMo.

8. For the purposes of this section, the term “Tourist-related services” includes but is not limited to, selling or entering into contracts or other arrangements under which a purchaser receives a premium, coupon or contract for car rentals, lodging, transfers, entertainment, sightseeing or any service reasonably related to air, sea, rail, motor coach or other medium of transportation directly to the consumer.”; and

Further amend said bill, Page 8, Section 407.1375, Lines 16-23 of said page, by striking said section from the bill; and

Further amend said bill, Pages 8-9, Section 407.1378, by striking said section from the bill; and

Further amend said bill, Pages 9-10, Section 407.1381, by striking said section from the bill; and

Further amend said bill, Page 10, Section 407.1384, Lines 7-20 of said page, by striking said section from the bill; and

Further amend said bill, Pages 10-11, Section 407.1387, by striking said section from the bill; and

Further amend said bill, Pages 11-12, Section 407.1390, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 1270 & HB 2032**, entitled:

An act to repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.137, 302.321, 302.720, 304.001, 304.022, 304.027, 304.200, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 5

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 37, Section 575.150, Line 19, by inserting immediately after “felony” the following: “**. Resisting an arrest by fleeing in such a manner that the person fleeing creates a substantial risk of serious physical injury or death to any person is a class D felony**”.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1270 & House Bill No. 2032, Page 17, Section 302.321, Line 4 of said page, by inserting after the word “writing” the following: “, **and where the prior three driving while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses;**”; and further amend line 9 of said page, by inserting after the word “writing” the following: “, **and where the prior two driving while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses**”.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1270 & House Bill No. 2032, Page 19, Section 302.720, Line 7 of said page, by striking the word “director” and inserting in lieu thereof the following: “**superintendent**”; and

Further amend said section, Line 8 of said page, by striking the words “five-dollar” and inserting in lieu thereof the following: “**twenty-five dollar**”; and

Further amend said section, Page 20, Line 9 of said page, by striking “five-dollar” and inserting in lieu thereof the following: “**twenty-five dollar**”; and

Further amend said line by striking the words “for each test taken” and inserting in lieu thereof “**upon completion of such tests**”; and

Further amend said page, Line 10, by striking the following: “The director may waive the driving test for a commercial”; and

Further amend said page, Lines 11-29, by striking all of said lines; and

Further amend said bill and section, Page 21, Lines 1-13 of said page, by striking all of said lines; and

Further amend Line 14 of said page, by striking the following: “6.”; and

Further amend said bill and section, Page 21, Line 22 of said page, by inserting immediately after said line the following:

“302.721. 1. There is hereby created in the state treasury the “Commercial Driver License Examination Fund”. The fund shall be administered by the department of revenue. Such moneys collected pursuant to subdivisions (1) and (3) of subsection 2 of section 302.720, shall be appropriated to the commercial driver license examination fund after the deposit and distribution pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. Such moneys shall not be counted towards the spending limitations imposed pursuant to subsection 3 of section 226.200, RSMo. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

2. There shall be created a “Third-Party Commercial Driver License Examination Program” within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri.

3. The director of revenue may annually expend revenues from the commercial driver license fund for administrative costs associated with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations which are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Such annual expenditures shall also include any expenses incurred by the

superintendent of the highway patrol for functions related to the testing, auditing, retesting and compliance of commercial driver license third-party examination programs and the administration of the state CDL testing program.

(1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol.

(2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri.

4. 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.

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 adopted **HS HCS SCS SB 722** and has taken up and passed **HS HCS SCS SB 722**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 1748**, entitled:

An act to repeal sections 247.040, 393.705, 393.847, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof seventeen new sections relating to water resources, with an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 2 to Senate Amendment No. 4, Senate Amendment No. 4, as amended, and Senate Amendment No. 5

Senate Amendment No. 1

AMEND Senate Substitute for House Bill No. 1748, Page 1, Section A, Line 6 of said page, by inserting immediately after said line the following:

“247.030. 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, “city” means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and to redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

3. The boundaries of any district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

(1) The board of directors of the district and five or more voters **or landowners** within the territory proposed to be annexed by the district; or

(2) **The board of directors of the district and** a majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by the board of directors of the district and five or more voters or landowners within the territory proposed to be annexed by the district, the same proceedings shall be followed as are provided in section 247.040 for the filing of a petition for the organization of the district, except that no election shall be held. Upon entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. If the petition is filed by **the board of directors of the district and** a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. **If the court finds that the annexation of such territory would be in the public interest, the court shall enter its order granting such annexation.** Upon the entry of [a final] **such** order [declaring the court's decree of annexation to be final and conclusive], the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any [voter] **landowner** who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the [voter] **landowner** shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations

for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in **or by landowners owning land in** the territory sought to be detached. If there are more than ten voters **and landowners** in such territory, the petition shall be signed by five or more voters [residing in] **or landowners within** the territory; if there are less than ten voters [residing in] **and landowners within** such territory, the petition shall be signed by fifty percent or more of the voters [residing in] **and landowners within** the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in [twenty consecutive issues of] a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF
..... COUNTY, MISSOURI
NOTICE OF THE FILING OF A PETITION FOR
TERRITORIAL DETACHMENT FROM
PUBLIC WATER SUPPLY DISTRICT NO.
OF COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law: (Describe tracts of land).

2. That a hearing on said petition will be held before this court on the day of, 20 ..., at,m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....
Clerk of the Circuit Court of
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line

changes shall not become effective until the next annual election of a member of the board of directors

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.”; and

Further amend said bill, Pages 1 to 6, Section 247.040, by striking all of said section and inserting in lieu thereof the following:

“247.040. 1. Proceedings for the formation of a public water supply district shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters **or owners of real property** within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than [fifteen] **seven** nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in [twenty successive issues of] a daily newspaper **once a week for three consecutive weeks**.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter **or owner of real property** in the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made.

If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one voter from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict, except as provided in section 247.060. If no qualified person who lives in the subdistrict is willing to serve on the board, the court may appoint, or the voters may elect, an otherwise qualified person who lives in the district but not in the subdistrict. The court shall designate two of such directors so appointed to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as herein provided. The

decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district be incorporated otherwise against the petitioners.

9. If petitioners seeking formation of a public water supply district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decrees relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the voters of the district voting on such proposition.”; and

Further amend said bill, Page 6, Section 247.040, Line 12 of said page, by inserting after all of said line the following:

“247.217. 1. Any two or more contiguous public water supply districts organized under the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a decree of the circuit court in which the district with the largest acreage was originally incorporated and organized.

2. Proceedings for consolidation of such districts shall be substantially as follows: The board of directors of each of the districts to be consolidated shall authorize, by resolution passed at a regular meeting or a special meeting called for such purpose, its president, on behalf of the district, to petition the circuit court having jurisdiction for consolidation with any one or more other contiguous public water supply districts.

3. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for a hearing thereon and the clerk shall give notice thereof in some newspaper of general circulation in each county in which each of the districts proposed to be consolidated is located.

4. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF
COUNTY, MISSOURI
NOTICE OF THE FILING OF A PETITION FOR
CONSOLIDATION OF PUBLIC WATER SUPPLY
DISTRICT NO., OF COUNTY,
MISSOURI, AND PUBLIC WATER SUPPLY DISTRICT
NO., OF COUNTY, MISSOURI
(Additional districts may be named as required.)

To all voters, **landowners, and interested persons** within the boundaries of the above-described public water supply districts:

You are hereby notified:

1. That a petition has been filed in this court for the consolidation of the above-named public water supply districts into one public water supply district, as provided by law.

2. That a hearing on said petition will be held before this court on the..... day of....., [19] **20**...., at.....,m.

3. Exceptions or objections to the consolidation of said districts may be made by any voters **or landowners** of

any of such districts proposed to be consolidated, provided such exceptions or objections are filed in writing not less than five days prior to the date set for the hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....
Clerk of the Circuit Court of
..... County, Missouri

5. The notice shall be published in three consecutive issues of a weekly newspaper in each county in which any portion of any district proposed to be consolidated lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of any district proposed to be consolidated lies; the last insertion of such notice to be made not less than seven nor more than twenty-one days before the hearing.

6. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

7. Exceptions or objections to the consolidation of such districts may be made by any voter **or landowner** within the boundaries of the proposed district. The exceptions or objections shall be in writing and shall specify the grounds upon which the same are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration in passing upon the petition for consolidation and shall also consider the evidence in support of the petition. If the court finds that the consolidation will provide for the rendering of necessary water service in the districts, and is in the best interest of the voters **and the landowners** of the district, it shall, by its decree, approve such consolidation. The decree of consolidation shall set an effective date for the consolidation of the districts and shall provide that the proposed consolidated district shall be divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which subdistricts shall have approximately the same area and shall be numbered.

8. The decree of consolidation shall not become final and conclusive until it has been submitted to voters in each of the districts proposed to be included in the consolidated district.

9. If, upon canvass and declaration of the results, it is found and determined that the question has been assented to by a majority of the voters of each district voting on the question, the court shall issue its order declaring the results of the elections, declaring its previous decree of consolidation to be final and conclusive, and in addition, the decree shall provide for an election of a director from each of the subdistricts set forth in the decree of the court as specified in subsection 7 of this section. The terms of office for the directors elected at such election shall be as follows: The director elected from the subdistrict designated by the circuit court as number one shall serve until the next regular election, or until his successor has been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers two and three shall serve until the regular election following the next regular election or until their successors have been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers four and five shall serve until the annual regular election following the next two regular elections, or until their successors have been elected and qualified. Thereafter all directors shall be elected as provided by sections 247.010 to 247.220. The election shall be held at least thirty days before the effective date of the consolidation. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction and the court shall thereupon enter its order naming the directors from each subdistrict.

10. The eligibility and requirements for a director for a consolidated district shall be identical with those set forth in section 247.060 and no two members of the board shall reside in the same subdistrict. Any candidate shall have his name imprinted upon the ballot, provided he shall file a declaration of intention to become such a candidate with the clerk of the circuit court.

11. In its final decree, the court shall designate a name for the consolidated district which shall be as follows: Consolidated Public Water Supply District No., of..... County, Missouri.

12. On the effective date of the consolidation of the districts, the newly elected directors shall organize in the same manner as is provided in sections 247.010 to 247.220, and all of such provisions shall apply to consolidated public water supply districts in the same manner as to other public water supply districts.

13. At the time of the effective date of the consolidation, all the property of the original districts shall be combined and administered as one unit, which shall be subject to the liens, liabilities and obligations of the original districts, provided that if any district included in the consolidated district has issued general obligation bonds which are outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only upon the property within the original district issuing the bonds as it existed on the date of such issuance. All special obligation or revenue bonds issued by any district included in the consolidated district shall be paid in accordance with the terms thereof, without preference, from the revenue received by the consolidated district.

14. A certified copy of the decrees of the court shall be filed in the office of the recorder and in the office of the county clerk in each county in which any part of the consolidated district is located, and in the office of the secretary of state. Such copies shall be filed by the clerk of the circuit court and the filing fees shall be taxed as costs.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be substantially the same as proceedings for the formation of such a district, as follows: A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district, in the event that the subject district embraces lands in more than one county. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimicable to the best interests of the inhabitants of the district, that the district should, in the interest of the public welfare and safety, be dissolved, that an alternative water supplier is available and better able to supply water to the inhabitants of the district, and such other information as may be useful to the court in determining whether [or not] the petition should be granted and a decree of dissolution entered. Such petition shall **also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall** be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth of the registered voters from each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the subject district. The petition shall be verified by at least one of the signers thereof **and shall be served upon the board of directors of the district as provided by law. The district shall be a party, and if the board of directors in its discretion determines that such dissolution is not in the public interest, the district shall oppose such petition and pay all cost and expense thereof.**

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as provided in this section. Thereupon, the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the subject boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than [fifteen] **seven** nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the dissolution of a district may be made by any voter **or landowner** of the [subject] district[.], **and by the district as herein provided[.];** such exceptions [are] **shall be** filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are filed and the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. **Unless petitioners prove that all debts and financial obligations of the district can be paid in full upon dissolution, the petition shall be dismissed at the cost of the petitioners.**

5. Should the court find that it would not be to the public interest to dissolve a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution which decree shall provide for the submission of the question to the voters of the district in substantially the following form:

Shall Public Water Supply District be dissolved?

6. The decree of dissolution shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the election authority to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the district voting on such proposition then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of dissolution to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority

required, the court shall enter a further order declaring such decree of dissolution to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the court declares the decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall file certified copies of such decree of dissolution and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. Notwithstanding anything in this section to the contrary, no district shall be dissolved until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall provide for the disposition of the property of the district.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for House Bill No. 1748, Page 40, Section 1, Line 5, by inserting after all of said line the following:

“Section 2. Notwithstanding the provisions of chapter 34, RSMo, to the contrary, any levee district in a county with a charter form of government and a population of at least two hundred fifty thousand but less than three hundred thousand inhabitants, when a grant is approved pursuant to sections 644.006 to 644.141, RSMo, the grant funds have not been distributed, and such levee district requests a waiver of the bidding requirements of chapter 34, RSMo, pursuant to section 644.061, RSMo, such district shall receive the waiver from the department of natural resources to exempt the contract from such bidding requirements, provided that such levee district meets the bidding requirements of the Federal Acquisition Regulation Part 19.000. When the levee district completes the requirements under the Federal Acquisition Regulation Part 19.000, and to the satisfaction of the U.S. Army Corp of Engineers, the department shall release the grant award. The provisions of this section shall expire on December 31, 2002.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for House Bill No. 1748, Page 21, Section 644.036, Line 23, by inserting after all of said line the following:

“6. Any classification of a stream segment or the assignment of any standard or designated use to a stream segment shall be adopted by rule pursuant to chapter 536, RSMo, and be based on clear and convincing evidence that the benefits of stream segment classification and associated water quality standards outweigh the social, economic or regulatory costs to the state and the regulated community.

7. For any classified stream segment assigned the designated use of whole body contact, the commission must demonstrate by clear and convincing evidence that during the period from April first through October thirty-first of each year; such stream segment is open to and accessible by the public and is capable of supporting the whole body contact activities of swimming, skin diving and water-skiing where the body is intended to be completely immersed in surface water to the extent that some inadvertent ingestion of water is probable.”

Senate Amendment No. 4

AMEND Senate Substitute for House Bill No. 1748, Page 9, Section 393.847, Line 11, by inserting after all of said line the following:

“393.1012. 1. As used in sections 393.1012 to 393.1014, the following terms mean:
(1) “Appropriate pretax revenues”, the revenues necessary to:
(a) Produce net operating income equal to the water corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements; and

- (b) Include state, federal and local income or excise taxes applicable to such income;
- (2) "Commission", shall refer to the Missouri public service commission;
- (3) "ISRC", infrastructure system replacement charge;
- (4) "ISRC costs", depreciation expense and appropriate pretax revenues associated with eligible infrastructure system replacements;
- (5) "ISRC revenues", revenues produced through an ISRC exclusive of revenues from all other rates and charges;
- (6) "Eligible infrastructure system replacements", new water utility plant projects that are used and useful and that:
 - (a) Do not increase revenues by directly connecting the infrastructure replacement to new customers;
 - (b) Are in service;
 - (c) Were not included in the water corporation's rate base in its most recent general rate case; and
 - (d) Replace an existing infrastructure;
- (7) "Water corporation", includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water as defined in section 386.020, RSMo.

2. Immediately upon effectuation of this statute, a water corporation providing water service in a county of the first classification having a population of over nine hundred thousand inhabitants may file a petition with the commission to establish or change ISRC rate schedules that will allow for the adjustment of the water corporation's rates and charges per a separate line billing item to provide for the recovery of prudently incurred ISRC costs for eligible infrastructure system replacements. This charge shall not apply to those customers classified as "industrial" by the public service commission. The commission may not approve an ISRC to the extent it would produce total ISRC revenues exceeding ten percent of the water corporation's base revenue level approved by the commission in the water corporation's most recent general rate proceeding. This charge and any future changes shall be implemented in accordance with section 393.1014. The ISRC shall be subject to a refund based upon a finding and order of the commission.

393.1014. 1. The water corporation shall serve the office of the public counsel a copy of its filing at the time of its filing with the commission.

2. (1) When a petition is filed pursuant to sections 393.1012 to 393.1014, the commission shall conduct an examination of the proposed rate.

(2) The staff of the commission may examine information of the water corporation to confirm that the underlying costs are in accordance with this section, to confirm proper calculation of the proposed charge, and may submit a report to the commission not later than sixty days after the petition is filed.

(3) The commission may hold a hearing and shall issue an order not later than one hundred twenty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of this section, the commission shall enter an order authorizing the corporation to impose a charge that is sufficient to recover appropriate pretax revenue and depreciation, as determined by the commission pursuant to the provisions of this section; provided that the commission shall only allow charges to apply to customers receiving a benefit or shall prorate the charge according to the benefit received by the customers.

3. A water corporation may file a petition for a change in its rate under this section no more often than one time every twelve months.

4. In determining the appropriate pretax revenue, the commission may consider the following factors:

- (1) The current state, federal and local income tax or excise rates;
- (2) The water corporation's actual regulatory capital structure as determined at the most recent general rate proceeding of the water corporation;
- (3) The actual cost rates for the water corporation's debt and preferred stock as determined at the most recent general rate proceeding of the water corporation;
- (4) The water corporation's cost of common equity as determined at the most recent general rate proceeding of the water corporation.

5. The charge may be calculated based on a reasonable estimate of revenues in the period in which the charge will be in effect. At the end of each twelve month calendar period the charge is in effect, the water

corporation shall reconcile the differences between the revenues resulting from the charge and the underlying costs during that period and shall submit the reconciliation and adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustment of the charge.

6. A water corporation that has implemented a charge pursuant to section 393.1012 shall file revised rate schedules to adjust the charge when new base rates and charges become effective for the water corporation following a commission order authorizing a general increase in rates and charges that includes in the utility's rate base eligible costs previously reflected in the charge.

7. The filing of a charge pursuant to this section and a change in such charge is not a general increase in base rates and charges.

8. The commission may adopt by order other procedures not inconsistent with this chapter that the commission finds reasonable or necessary to administer these charges.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 4*

AMEND Senate Substitute for House Bill No. 1748, Page 2, Section 393.1012, Lines 21-23, by deleting all of said lines and inserting in lieu thereof the following: “**ISRC costs for eligible infrastructure system replacements. The commission**”.

*Senate Amendment No. 2
to
Senate Amendment No. 4*

AMEND Senate Amendment No. 4 to Senate Substitute for House Bill No. 1748, Page 5, Section 393.1014, Line 4, by inserting immediately after the word “**charges.**” the following:

“9. The provisions of sections 393.1012 to 393.1014 shall terminate December 31, 2007.”

Senate Amendment No. 5

AMEND Senate Substitute for House Bill No. 1748, Page 38, Section 701.034, Line 5, by inserting after “contrary,” on said line the following:

“The department shall approve for installation any alternative technologies tested and approved for such applications by a community college or other institution of higher education or”.

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 allowed the Senate conferees to exceed the differences on **HCS SB 795**, and has taken up and adopted the Conference Committee Report #2 on **HCS SB 795** and has taken up and passed Conference Committee Substitute #2 on **HCS SB 795**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA1** and **HA2 to SB 859** and has taken up and passed **SB 859, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1403**, entitled:

An act to amend chapter 436, RSMo, by adding thereto thirteen new sections relating to retainage in private building contracts.

With Senate Amendment No. 1

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1403, Page 6, Section 436.327, Lines 5-13, by deleting such section and inserting in lieu thereof the following:

“436.327. The project shall be deemed to have reached substantial completion upon the occurrence of the earlier of the architect or engineer issuing a certificate of substantial completion in accordance with the terms of the contract documents or the owner accepting the performance of the full contract.”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 1402, as amended**: Senators Steelman, Kenney, Bentley, Goode and Stoll.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SBs 837, 866, 972 & 990, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 892** and has taken up and passed **HCS SCS SB 892**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS#2 HCS SS SCS SBs 969, 673 & 855, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SCS SB 1026, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SB 1039** and has taken up and passed **HS HCS SB 1039**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SBs 1061 & 1062, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2120**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2120 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2120;
2. That the House recede from its position on House Bill No. 2120;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2120 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sen. Michael Gibbons
/s/ Sen. Chuck Gross
/s/ Sen. Anita Yeckel
/s/ Sen. Wayne Goode
/s/ Sen. Harry Kennedy

FOR THE HOUSE:

/s/ Rep. Craig Hosmer
/s/ Rep. Phillip Britt
/s/ Rep. Gary Kelly
/s/ Rep. Luann Ridgeway
/s/ Rep. Robert Mayer

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NOS. 1086 & 1126**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1086 & 1126, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1086 & 1126;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 1086 & 1126;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1086 & 1126, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Ed Quick
/s/ Stephen Stoll
/s/ Doyle Childers
/s/ David Klindt
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Thomas Hoppe
/s/ Wes Wagner
/s/ Ryan McKenna
/s/ Don Lograsso
/s/ Jon Dolan

ADJOURNMENT

On motion of Representative Riback Wilson (25), the House adjourned until 9:00 a.m., Wednesday, May 15, 2002.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-ninth Day, Friday, May 10, 2002, line 14, by inserting immediately after said line the following:

“Which motion was adopted.”

Correct House Journal, Seventieth Day, Monday, May 13, 2002, pages 1948 and 1949, roll call, by showing Representative Wilson (42) voting "aye" rather than "absent with leave".

Pages 1950 and 1951, roll call, by showing Representative Myers voting "aye" rather than "absent with leave".

Pages 1951 and 1952, roll call, by showing Representatives Black and Secrest voting "aye" rather than "absent with leave".

Pages 1952 and 1953, roll call, by showing Representatives Paone and Shoemaker (8) voting "aye" rather than "absent with leave".

Pages 1952 and 1953, roll call, by showing Representatives Bartelsmeyer, Jetton, Kelly (144), King and Naeger voting "aye" rather than "absent with leave".

Pages 1954 and 1955, roll call, by showing Representative Barnett voting "no" rather than "aye".

Page 1955, roll call, by showing Representative Boucher voting "aye" rather than "absent with leave".

Page 1956, roll call, by showing Representative Enz voting "aye" rather than "absent with leave".

Pages 1957 and 1958, roll call, by showing Representative Jetton voting "aye" rather than "absent with leave".

Pages 1970 and 1971, roll call, by showing Representative Paone voting "aye" rather than "absent with leave".

Pages 1972 and 1973, roll call, by showing Representatives Hanaway, Kelly (144) and King voting "aye" rather than "absent with leave".

Pages 1975 and 1976, roll call, by showing Representative Kelly (144) voting "aye" rather than "absent with leave".

Pages 1978 and 1979, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Pages 1978 and 1979, roll call, by showing Representative Dempsey voting "no" rather than "absent with leave".

Pages 1978 and 1979, roll call, by showing Representative Hosmer voting "present" rather than "absent with leave".

Pages 1984 and 1985, roll call, by showing Representatives Crawford, Froelker, Hegeman and Jolly voting "aye" rather than "absent with leave".

Pages 1985 and 1986, roll call, by showing Representatives Crawford and George voting "no" rather than "absent with leave".

Pages 1988 and 1989, roll call, by showing Representatives Hosmer, Reinhart, Robirds and Scott voting "aye" rather than "absent with leave".

Page 1990, roll call, by showing Representatives George, Robirds and Scott voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

FISCAL REVIEW AND GOVERNMENT REFORM

Wednesday, May 15, 2002, 8:00 a.m. Hearing Room 3. Fiscal Review.
HCS/SCS/SB 894,975&927,HCS/SS/SCS/SB 670&694, HCS/SB 856,
HCS/SS/SB 923, HCS/SB 1186.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, May 16, 2002, 8:30 a.m. Hearing Room TBA

Open meeting. Set prices for the 2002 Session Laws, other business.

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 15, 2002, 8:30 a.m. Side gallery. AMENDED NOTICE.

Executive Session may follow.

Public Hearing to be held on: SCR 57, SCR 64, SCR 69

HOUSE CALENDAR

SEVENTY-SECOND DAY, WEDNESDAY, MAY 15, 2002

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1318 - George
- 2 HCS HB 1914 - Mays (50)
- 3 HCS HB 1680 - Hampton
- 4 HB 1708 - Daus
- 5 HB 1427 - Hosmer
- 6 HCS HB 1863 - Whorton
- 7 HCS HB 1923 - Barry
- 8 HB 1813 - Monaco
- 9 HB 1530 - Hoppe
- 10 HB 1721 - Shelton
- 11 HB 1211 - Smith
- 12 HB 1191 - Davis
- 13 HB 1198 - Graham
- 14 HB 1794, HCA 1 - Legan
- 15 HCS HB 1570 - Koller
- 16 HCS HB 1780 - Green (73)
- 17 HCS HB 1445 - Smith
- 18 HB 1663 - Seigfreid
- 19 HB 1596 - Harding
- 20 HB 1084 - Fraser
- 21 HCS HB 1321 & 1491 - Williams
- 22 HCS HB 1723 - Boucher
- 23 HB 1485 - Johnson (90)
- 24 HB 1439, HCA 1 - Myers
- 25 HB 1970 - Townley
- 26 HB 1052 - Ward
- 27 HCS HB 1725 - Walton
- 28 HB 1609 - Robirds
- 29 HCS HB 1828 - Cunningham
- 30 HCS HB 1407 - Riback Wilson (25)

- 31 HCS HB 1889 & 1946 - Foley
- 32 HCS HB 2065 - Ransdall
- 33 HCS HB 1077, 1187 & 1579 - Jolly
- 34 HCS HB 1599 - Lawson
- 35 HB 1233 - Harding
- 36 HCS HB 2086 - Sanders Brooks

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1576, HSA 1 for HA 1 and HA 1, as amended, pending - Hilgemann
- 2 HB 1916 - Franklin

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCS HCR 35, HS pending, (5-7-02, Pages 1716-1718) - Riback Wilson (25)

HOUSE JOINT RESOLUTION FOR THIRD READING

HJR 32 - Barry

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HCS HB 1886, (Fiscal Review 4-29-02) - Rizzo
- 3 HS HCS HB 1231 - Harding

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 SCR 58, HCA 1 (Klarich) (4-9-02, Pages 1026-1027) - Luetkenhaus
- 2 SCR 49, (Rohrbach) (3-06-02, Page 490) - O'Toole
- 3 HCS SCR 41, (Rohrbach) (5-14-02) -

SENATE JOINT RESOLUTION FOR THIRD READING

HCS SJR 24, (Johnson) (5-02-02, Page 1583) - Farnen

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 988, (Caskey) - Hartzler
- 2 SB 831, (Loudon) - Gambaro

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 675, E.C.(Yeckel) - Seigfreid
- 2 HCS SCS SB 894, 975 & 927, E.C. (Kinder) (Fiscal Review 5-6-02) - O'Toole
- 3 HCS SB 856, (Russell) (Fiscal Review 5-6-02) - Rizzo
- 4 HCS SS SCS SB 670 & 684, (Sims) (Fiscal Review 5-8-02) - Harlan
- 5 SB 1011, (Caskey) - Monaco
- 6 HCS SS SCS SB 931, (Klarich) - Monaco
- 7 HCS SB 1186, (Kenney)(Fiscal Review 5-13-02) - Hoppe
- 8 HCS SS SCS SB 923, 828, 876, 694 & 736, E.C.(Sims) (Fiscal Review 5-14-02) - Barry
- 9 HCS SS SCS SB 1107, (Childers) - Hoppe
- 10 SB 713, (Singleton) - Hosmer
- 11 HCS SS SB 665, (Kenney) (Fiscal Review 5-14-02) - Hoppe
- 12 HCS SCS SB 1060, (Westfall) - Hoppe
- 13 HCS SCS SB 834, E.C. (Sims) - Hoppe
- 14 SCS SB 642, (Russell) - Hosmer
- 15 HCS SCS SB 739, (Wiggins) - Monaco
- 16 HCS SB 989, as amended (Caskey) (Fiscal Review 5-14-02) - Hartzler
- 17 HCS SCS SB 1137, (Bentley) - Hosmer
- 18 HCS SCS SB 662 & 704, (Westfall) - Monaco
- 19 SCS SB 878, (Sims) - Harding
- 20 HCS SCS SB 916, (Dougherty) - Smith
- 21 SCS SB 1203, (Yeckel) - Hilgemann
- 22 SB 896, (Yeckel) - Treadway

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HB 1701 - Luetkenhaus
- 2 SCS HB 1773, E.C. - Shelton
- 3 SS#2 SCS HB 1348, as amended - Myers
- 4 SS SCS HCS HJR 47 - Willoughby
- 5 SS SCS HB 1041, as amended, E.C. - Myers
- 6 SS SCS HB 1270 & HB 2032, as amended, E.C. - Gratz
- 7 SS HB 1748, as amended, E.C. - Ransdall
- 8 SS SCS HCS HB 1403, as amended - St. Onge

BILLS CARRYING REQUEST MESSAGES

- 1 SS SCS HB 1953, as amended (request Senate recede/grant conference) - Van Zandt
- 2 HS#2 HCS SS SCS SB 969, 673 & 855, as amended E.C.
(request House recede/grant conference) - Smith
- 3 HS HCS SCS SB 1061 & 1062, as amended (request House recede/grant conference) - Harlan

- 4 HCS SS SCS SB 837, 866, 972 & 990, as amended
(request House recede/grant conference) - Berkowitz
- 5 HS SCS SB 1026, as amended (request House recede/grant conference) - Barry
- 6 SS SCS HS HCS HB 1962, as amended (request Senate recede/grant conference)- Monaco

BILLS IN CONFERENCE

- 1 CCR SCS HB 2120 - Ridgeway
- 2 HS HCS SS SB 1248, as amended - Foley
- 3 CCR HCS SB 758 - Hosmer
- 4 CCR#2 HCS SB 795 - Treadway
- 5 CCR HCS SCS SB 1086 & 1126 - Hoppe
- 6 SCS HB 1313 - Burton
- 7 CCR HS SB 1220, as amended - O'Toole
- 8 HCS SCS SB 1202, E.C. - Koller
- 9 SS SCS HB 1712, as amended - Monaco
- 10 SS#2 SCS HB 1446, as amended - Luetkenhaus
- 11 HS HCS SB 895, as amended - Liese
- 12 HS HCS SCS SB 712, as amended - O'Toole
- 13 HS HCS SS SS SCS SB 970, 968, 921, 867, 868 & 738 - Koller
- 14 HS HCS SCS SB 810, as amended (conferees be allowed to exceed
differences on spend down issue) - Ladd Baker
- 15 SCS HB 1402, as amended, E.C. - Burton
- 16 HS SCS SB 915, 710 & 907, as amended - Koller