

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SIXTY-SIXTH DAY, WEDNESDAY, MAY 2, 2001

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Hear, Gracious God, the prayers we offer in this moment of unity before You. Help us all to discipline our speech, that we may seek clarity rather than cleverness and sincerity instead of sarcasm.

Bless the members of this House. Keep them in Your care this day and strengthen them in their best commitments. 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: Alden Hunter Ward, Michael Smith, Jodi Rinke, Kayla Hylton, Bryndon Hill, Michael Wisely, Courtney Robertson, Christopher Strong, Michelle Gordon, Amanda Rosenow, Braydon Schwab, Easton Schwab, Monica Bohr, Becky Dillard, Christina Kerr and Jackie Clark.

The Journal of the sixty-fifth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1827 - Representative Rizzo

House Resolution No. 1828 - Representative Vogel

House Resolution No. 1829

through

House Resolution No. 1832 - Representative Richardson

House Resolution No. 1833 - Representative Roark

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 33 was read the second time.

SECOND READING OF SENATE BILLS

SB 180, SS SCS SB 226, SB 337, SB 509 and SS SCS SB 525 were read the second time.

COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HS HB 715**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HB 279 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HB 366 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Not Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HB 780 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 212, relating to insurance, was taken up by Representative Ward.

On motion of Representative Ward, **SCS HB 212** was adopted by the following vote:

AYES: 151

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Franklin	Fraser	Froelker	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin

Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Selby	Shelton	Shields
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 001

Shoemyer

ABSENT WITH LEAVE: 008

Baker	Gambaro	Harlan	Hohulin	Hunter
Lograsso	Purgason	Seigfreid		

VACANCIES: 003

On motion of Representative Ward, **SCS HB 212** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Lograsso
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford

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Reynolds	Richardson	Ridgeway	Rizzo	Roark
Ross	Scheve	Schwab	Scott	Secrest
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Baker	Harlan	Linton	Robirds	Seigfreid
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VACANCIES: 003

Speaker Kreider declared the bill passed.

Representative Scheve assumed the Chair.

SCS HB 603, relating to Alzheimer's disease, was taken up by Representative Hilgemann.

On motion of Representative Hilgemann, **SCS HB 603** was adopted by the following vote:

AYES: 151

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

Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright

Mr. Speaker
NOES: 004

Boatright	Cooper	Froelker	Hartzler
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PRESENT: 000

ABSENT WITH LEAVE: 005

Crump	Harlan	Lograsso	Long	Seigfreid
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VACANCIES: 003

On motion of Representative Hilgemann, **SCS HB 603** was truly agreed to and finally passed by the following vote:

AYES: 147

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

NOES: 003

Cooper	Hartzler	Hohulin
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PRESENT: 000

ABSENT WITHLEAVE: 010

Baker	Byrd	Carnahan	Fares	Green 73
Harlan	Kennedy	Lawson	Long	Seigfreid

VACANCIES: 003

Representative Scheve declared the bill passed.

SCS HB 644, relating to nonprobate transfers, was taken up by Representative Burton.

On motion of Representative Burton, **SCS HB 644** was adopted by the following vote:

AYES: 149

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 36	King	Koller
Lawson	Legan	Levin	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
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITHLEAVE: 011

Baker	Berkstresser	Foley	Harlan	Holand
Kelly 27	Kennedy	Lograsso	Long	Murphy

Seigfreid

VACANCIES: 003

On motion of Representative Burton, **SCS HB 644** was truly agreed to and finally passed by the following vote:

AYES: 149

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 36	King
Koller	Lawson	Legan	Levin	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	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Byrd	Crump	Foley	Harlan	Kelly 27
Kennedy	Lograsso	Long	Murphy	Reinhart
Seigfreid				

VACANCIES: 003

Representative Scheve declared the bill passed.

Speaker Pro Tem Abel assumed the Chair.

SCS HB 693, relating to the Administrative Hearing Commission, was taken up by Representative Smith.

On motion of Representative Smith, **SCS HB 693** was adopted by the following vote:

AYES: 137

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

NOES: 015

Bartelsmeyer	Bearden	Berkstresser	Byrd	Cooper
Crowell	Hohulin	Holt	Miller	Portwood
Rector	Reinhart	Roark	Secrest	St. Onge

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Ballard	Black	Crump	Harlan
Lograsso	Ransdall	Seigfreid		

VACANCIES: 003

On motion of Representative Smith, **SCS HB 693** was truly agreed to and finally passed by the following vote:

AYES: 139

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

NOES: 010

Bartelsmeyer	Bearden	Cooper	Dempsey	Griesheimer
Holt	Hunter	Portwood	Roark	St. Onge

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Ballard	Crump	Foley	Froelker
Harlan	Hohulin	Holand	Moore	Murphy
Seigfreid				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

THIRD READING OF HOUSE BILL

HCS HB 780, relating to economic development, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HB 780** was read the third time and passed by the following vote:

AYES: 143

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

NOES: 008

Behnen	Bowman	Boykins	Brooks	Green 73
St. Onge	Troupe	Walton		

PRESENT: 000

ABSENT WITH LEAVE: 009

Berkstresser	Crump	Harlan	Kennedy	Long
McKenna	Naeger	Seigfreid	Ward	

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

THIRD READING OF SENATE BILLS

SCS SB 4, relating to police salaries; driver's records, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **SCS SB 4** was truly agreed to and finally passed by the following vote:

AYES: 140

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

NOES: 001

Troupe

PRESENT: 000

ABSENT WITH LEAVE: 019

Baker	Barry 100	Britt	Brooks	Byrd
Foley	Ford	Froelker	Green 73	Harlan
Kennedy	Lawson	Legan	Long	Monaco
Naeger	Ostmann	Richardson	Seigfreid	

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS SS SB 193, relating to insurance producers, was taken up by Representative Ward.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Line 57, by striking the word “**exiting**” and inserting in lieu thereof the word “**existing**”; and

Further amend said bill, Page 19, Section 375.023, Line 1, by striking the following “**375.023. 1.**” and inserting in lieu thereof the following: “**5.**”; and

Further amend said bill, Pages 20 and 21, by renumbering the subsections and amending the intersectional references accordingly; and

Further amend said bill, Page 27, Section 375.076, Line 10, by inserting immediately after the word “**person**” the word “**for**”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Lines 56 to 59, by deleting all of said lines and inserting in lieu thereof the following:

"(9) Employees who are responding to specific requests from existing policyholders on existing policies, but who provide no counsel, advice, suggestion or opinion with respect to the coverage, terms or conditions of the insurance contract, provided that such employees do not sell, solicit or negotiate insurance and are not compensated based on the number of policy changes that may result or the volume of premiums that may be generated from these services."

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

On motion of Representative Surface, **HCS SS SB 193, as amended**, was adopted.

On motion of Representative Ward, **HCS SS SB 193, as amended**, was read the third time and passed by the following vote:

AYES: 145

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Ford	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	Hunter	Jetton

Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Linton
Lograsso	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	Merideth
Miller	Myers	Naeger	Nordwald	O'Connor
O'Toole	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Selby	Shelton	Shields	Shoemyer
Skaggs	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITHLEAVE: 015

Baker	Brooks	Foley	Franklin	Green 73
Harlan	Hosmer	Long	McKenna	Monaco
Moore	Murphy	Ostmann	Seigfreid	Smith

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

On motion of Representative Boykins, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brittney Koechner and Tommy Raymond.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1834 - Representative Davis
 House Resolution No. 1835
 through
 House Resolution No. 1838 - Representative Liese
 House Resolution No. 1839 - Representative Kelly (36)
 House Resolution No. 1840 - Representative Crawford
 House Resolution No. 1841 - Representatives Boucher, Lowe and Jolly
 House Resolution No. 1842 - Representative Willoughby
 House Resolution No. 1843

and
House Resolution No. 1844 - Representative Clayton
House Resolution No. 1845
and
House Resolution No. 1846 - Representative Berkstresser
House Resolution No. 1847
through
House Resolution No. 1849 - Representative Rector
House Resolution No. 1850 - Representatives Rector and Ross
House Resolution No. 1851 - Representative Rector
House Resolution No. 1852 - Representative Boucher

COMMITTEE REPORTS

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS HBs 981 & 655 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS SB 125 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS SS SCS SB 267 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS SB 462 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 12, relating to the federal energy policy, was taken up by Representative Haywood.

On motion of Representative Haywood, **HCR 12** was read the third time and passed by the following vote:

AYES: 150

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

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Baker	Champion	Harlan	Kennedy	Long
Moore	Murphy	O'Toole	Shields	Van Zandt

VACANCIES: 003

Speaker Kreider declared the bill passed.

HCR 23, relating to the windfall elimination provision, was taken up by Representative Holand.

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

House Amendment No. 1

AMEND House Concurrent Resolution No. 23, Page 1381 of the Journal of the House, Sixty-third Day, April 26, 2001, by deleting the word “**of**” in the first line of the first “WHEREAS” clause and replacing it with the word “**or**”; and

Further amend said concurrent resolution, in the clause that begins “NOW, THEREFORE, BE IT RESOLVED” by deleting the words “rescind the Windfall Elimination Provision for teachers” and inserting in lieu thereof the following:

“(1) either simply rescind the Windfall Elimination Provision or amend it so that it does not bear disproportionately upon teachers and others who have modest salaries earned in non-Social Security-covered service; and (2) amend the government pension offset so that it will not bear disproportionately upon teachers and others whose government pensions are based on modest salaries”.

Representative Relford assumed the Chair.

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

On motion of Representative Holand, **HCR 23, as amended**, was read the third time and passed by the following vote:

AYES: 153

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Copenhaver	Green 73	Harlan	Lograsso	Long
Monaco	Van Zandt			

VACANCIES: 003

Representative Relford declared the bill passed.

HCR 14, relating to the railroad retirement act, was taken up by Representative Koller.

On motion of Representative Koller, **HCR 14** was read the third time and passed by the following vote:

AYES: 150

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84	Cunningham	Franklin	Green 73	Harlan
Hegeman	Johnson 61	Lograsso	Long	Van Zandt

VACANCIES: 003

Representative Relford declared the bill passed.

HCR 22, relating to brucellosis, was taken up by Representative Barnitz.

On motion of Representative Barnitz, **HCR 22** was read the third time and passed by the following vote:

AYES: 150

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Baker	Berkstresser	Bray 84	Campbell	Green 73
Harlan	Kelley 47	Lograsso	Long	Van Zandt

VACANCIES: 003

Representative Relford declared the bill passed.

THIRD READING OF HOUSE BILL

HCS HB 279, relating to screening of newborns, was taken up by Representative Shoemyer.

On motion of Representative Shoemyer, **HCS HB 279** was read the third time and passed by the following vote:

AYES: 152

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

NOES: 001

Townley

PRESENT: 000

ABSENT WITHLEAVE: 007

Baker	Ballard	Bartelsmeyer	Lograsso	Scott
Van Zandt	Williams			

VACANCIES: 003

Representative Relford declared the bill passed.

THIRD READING OF SENATE BILL

HCS SS SCS SB 267, relating to court procedures, was taken up by Representative Monaco.

Speaker Kreider resumed the Chair.

Representative Monaco offered **HS HCS SS SCS SB 267**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 4, Page 63, Lines 11-12, by deleting “**that has neighborhood courts and the city is**”; and

Further amend said section, Page 63, Line 13, by deleting all of said line and inserting in lieu thereof the following: “**additional court costs in an amount up to twenty dollars per**”; and

Further amend said substitute, Section 5, Page 63, Line 23, by deleting all of said line and inserting in lieu thereof the following: “**provide for additional court costs in an amount up to**”.

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 1, Page 60, Lines 8-11, by deleting said section from the substitute; and

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

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

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

Representative Monaco 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 Lograsso offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 196.790, Pages 13-14, by deleting all of said Section from the substitute; and

Further amend said House Substitute, Section 426.220, Page 14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.230, Pages 14-15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 429.360, Page 15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 512.180, Page 37, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.350, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.360, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.380, Pages 38-39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.030, Page 39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.110, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 541.020, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 2, Page 60, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section B, Page 64, by deleting all of said section from the substitute; and

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

Representative Monaco offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 196.790, Pages 13-14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.220, Page 14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.230, Pages 14-15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 429.360, Page 15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 512.180, Page 37, Lines 7-8, by deleting “**is not filed pursuant to chapter 517, RSMo, and**”; and

Further amend said section, Page 37, Line 9, by inserting brackets “[]” around “five” and inserting “**three**” before the word “thousand”; and

Further amend said House Substitute, Section 534.350, Page 38, by deleting all of said section from the substitute; and

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Further amend said House Substitute, Section 534.360, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.380, Pages 38-39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.030, Page 39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.110, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 541.020, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 2, Page 60, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section B, Page 64, by deleting all of said section from the substitute; and

Amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Monaco, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 56.765, Page 10, Line 11, by inserting the following after all of said line:

“57.130. 1. The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

2. The provisions of this section shall expire and be of no force and effect on and after July 1, [2002.] **2007.**”;
and

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

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

Representative Riback Wilson (25) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 34, Section 491.300, Line 4, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.430. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

- (1) Any person actually performing the duties of a clergyman;
- (2) Any person who has served on a state or federal petit or grand jury within the preceding year;
- (3) Any person whose absence from [his] **such person's** regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;
- (4) Any person upon whom service as a juror would in the judgment of the court impose an extreme hardship;
- (5) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, dentistry or pharmacy[.];
- (6) **Any person who is enrolled as a full-time student and is not residing within twenty miles of the city or county where the jury summons is issued."**; and

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

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

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 34, Section 491.300, Line 4, by inserting after all of said line the following:

- "494.425. The following persons shall be disqualified from serving as a petit or grand juror:
- (1) Any person who is less than [twenty-one] **eighteen** years of age;
 - (2) Any person not a citizen of the United States;
 - (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
 - (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
 - (5) Any person unable to read, speak and understand the English language;
 - (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
 - (7) Any licensed attorney at law;
 - (8) Any judge of a court of record;
 - (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.430. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

- (1) Any person actually performing the duties of a clergyman;
- (2) Any person who has served on a state or federal petit or grand jury within the preceding year;

(3) Any person whose absence from [his] **such person's** regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;

(4) Any person upon whom service as a juror would in the judgment of the court impose an extreme hardship;

(5) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, dentistry or pharmacy[.];"; and

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

On motion of Representative Ridgeway, **House Substitute Amendment No. 1 for House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 494.455, Page 34, Line 5, by deleting all of said line after "**1.**"; and

Further amend said section, Page 34, Lines 6-8, by deleting all of said lines; and

Further amend said section, Page 34, Line 9, by deleting "**2.**"; and

Further amend said section, Page 35, Line 5, by inserting "**2.**" before the word "The"; and

Further amend said section, Page 36, Line 9, by inserting the following at the end of said line:

"3. The governing body of each county or a city not within a county may authorize daily compensation and mileage allowance for jurors in any amount such governing body deems reasonable, which shall be paid from the funds of the county or city not within a county."; and

Further amend said section, Page 36, Lines 10-18, by deleting all of said lines; and

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

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

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

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 42, Section 535.110, Line 12, by inserting after all of said line the following:

"536.160. In the event a reviewing court reverses a decision of a state agency, remands the matter to the agency for further proceedings and orders the payment into court of any increase in funds authorized by said decision, and thereafter, on remand, the state agency reaches the same result, reaffirms or ratifies its prior decision, then the entity which paid such funds into court shall be entitled to a refund of such funds, including all interest accrued thereon. This provision is enacted in part to clarify and specify the law in existence prior to August 28, 2001."; and

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

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

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Pages 50-52, Section 610.040, by striking all of said section.

On motion of Representative Bartle, **House Amendment No. 8** was adopted by the following vote:

AYES: 088

Baker	Ballard	Barnett	Barnitz	Bartelsmeyer
Bartle	Bearden	Behnen	Berkstresser	Black
Boatright	Boucher	Burcham	Burton	Byrd
Champion	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Dempsey	Dolan	Enz	Fares
Froelker	Gaskill	Gratz	Griesheimer	Hampton
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 36	King	Koller	Legan
Levin	Linton	Lograsso	Long	Luetkemeyer
Marble	Marsh	May 149	Mayer	Merideth
Miller	Moore	Murphy	Myers	Naeger
Nordwald	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Seigfreid
Shields	St. Onge	Surface	Townley	Vogel
Wagner	Willoughby	Wright		

NOES: 070

Abel	Barry 100	Berkowitz	Bland	Bonner
Bowman	Boykins	Bray 84	Britt	Brooks
Campbell	Carnahan	Clayton	Coleman	Copenhaver
Crump	Curls	Davis	Farnen	Foley
Ford	Franklin	Fraser	Gambara	George
Graham	Green 15	Green 73	Hagan-Harrell	Harding
Haywood	Hickey	Hilgemann	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Kelly 27	Kennedy	Liese	Lowe	Luetkenhaus
Mays 50	McKenna	Monaco	O'Connor	O'Toole
Reynolds	Rizzo	Scheve	Selby	Shelton
Shoemyer	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Villa	Walton	Ward
Wiggins	Williams	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 002

Harlan

Lawson

VACANCIES: 003

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

Representative Monaco raised a point of order that **House Amendment No. 9** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Wright 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 Kelly (27) offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 565.030, Page 50, Line 7, by inserting the following after all of said line:

“595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections 595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid [under] **pursuant to** sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation [under] **pursuant to** sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death [under] **pursuant to** other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the division of workers' compensation on claims heard [under] **pursuant to** sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The division of workers' compensation shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the division.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, medicare, medicaid and other state or federal programs, **but not including any life insurance proceeds**; or

(3) From any other public or private funds, including an award payable [under] **pursuant to** the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the division of workers' compensation shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the division of workers' compensation may disregard the responsibility of the victim for his **or her** own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or her** presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.070, monthly social security disability or retirement benefits received by the victim shall not be considered by the division as a factor for reduction of benefits.

5. The division shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based.”; and

Amend the title, enacting clause and intersectional references accordingly.

Representative Monaco 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.

On motion of Representative Kelly (27), **House Amendment No. 9** was adopted.

Representative Richardson offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 60, Section 3, Line 18, by adding after the word “annexed” the words “**or divided**.”.

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

*House Substitute Amendment No. 1
for
House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 60, Section 3, Line 18, by adding after the word “annexed” the words “**or acquired**.”.

On motion of Representative Lograsso, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted.

Representative Gambaro offered **House Amendment No. 11**.

Representative Ridgeway raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Luetkemeyer offered **House Amendment No. 11**.

Representative Monaco raised a point of order that **House Amendment No. 11** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Boucher offered **House Amendment No. 11**.

Representative Monaco raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Clayton offered **House Amendment No. 11.**

Representative Wright raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Phillips offered **House Amendment No. 11.**

Representative Monaco raised a point of order that **House Amendment No. 11** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Ridgeway offered **House Amendment No. 11.**

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 14, Section 196.790, Line 8, by adding after said line the following:

“386.515. Prior to August 28, 2001, in proceedings before the Missouri Public Service Commission, consistent with the decision of the Supreme Court of Missouri **State ex rel. Anderson Motor Service Co., Inc. v. Public Service Commission**, 97 S.W. 2d 116 (Mo. banc 1936) the review procedure provided for in Section 386.510 is exclusive to any other procedure. An application for rehearing is required to be served on all parties and is a prerequisite to the filing of an application for writ of review. The application for rehearing puts the parties to the proceeding before the Commission on notice that a writ of review can follow and any such review may proceed without formal notification or summons to said parties. On and after August 28, 2001, the review procedure provided for in Section 386.510 continues to be exclusive except that a copy of any such writ of review shall be provided to each party to the proceeding before the Commission, or his attorney of record, by hand delivery or by registered mail, and proof of such delivery or mailing shall be filed in the case as provided by Section 536.110.2.”.

On motion of Representative Ridgeway, **House Amendment No. 11** was adopted.

Representative Smith offered **House Amendment No. 12.**

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 455.040, Page 18, Line 3, by inserting the following after all of said line:

"473.767. 1. In counties operating under fee retention, the public administrator shall before the first court day after the expiration of one year after their successor in office has qualified, file a final settlement as required by section 473.540 for all estates in their charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon the judge's own motion, shall order the public administrator to account for and deliver all money, property, or papers belonging to all estates in his or her hands in which final settlement cannot be made, to the successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

2. In counties where the public administrator is paid a salary, the public administrator shall deliver property and make necessary filings as required in this section prior to leaving his or her term of office.

[3. Notwithstanding the provisions of subsection 1 of this section, the former public administrator or their legal representative, upon approval and order of the judge of the probate division of the circuit court having jurisdiction over the estates in which the former public administrator has been appointed personal representative, guardian or conservator, shall turn over the administration of the estates to the successor public administrator. A copy of the annual account of each estate in part covering the term of the former public administrator shall be filed with the probate division by the successor public administrator and the successor public administrator shall be charged with the assets and liabilities shown thereby.]"; and

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

On motion of Representative Smith, **House Amendment No. 12** was adopted.

Representative Byrd offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 27, Section 488.429, Lines 5-7, by striking the phrase "**and for the acquisition of necessary equipment and maintenance of court facilities approved by order of the judges of the circuit court, en banc;**".

On motion of Representative Byrd, **House Amendment No. 13** was adopted.

Representative Carnahan offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 50, Section 565.030, Line 7, by inserting after all of said line the following:

"595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

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

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

[3.] 4. The remaining funds collected under subsection 1 of this section **shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a**

statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

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

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

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

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

[5.] 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

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

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

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

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

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

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

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

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

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

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

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

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

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

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

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid

into the crime victims' compensation fund and not into the general revenue of this state.

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

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

Further amend said bill, Page 60, Section 634.495, Line 7, by inserting after all of said line the following:

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

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

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

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

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

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

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

On motion of Representative Carnahan, **House Amendment No. 14** was adopted.

Representative Phillips offered **House Amendment No. 15**.

Representative Monaco raised a point of order that **House Amendment No. 15** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Hosmer offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for

Senate Bill No. 267, Page 11, Section 67.133, Line 9, by inserting after all of said line the following:

"193.185. 1. A report of each marriage performed in this state shall be filed with the department and shall be registered if it has been completed and filed in accordance with this section.

2. The official who issues the marriage license shall prepare the report on the form prescribed and furnished by the state registrar upon the basis of information obtained from one of the parties to be married.

3. Each person who performs a marriage shall certify the fact of marriage and return the license to the official who issued the license within [ten] **fifteen** days after the ceremony. This license shall be signed by the witnesses to the ceremony. A marriage certificate shall be given to the parties.

4. Every official issuing marriage licenses shall complete and forward to the department on or before the fifteenth day of each calendar month the reports of marriages returned to such official during the preceding calendar month."; and

Further amend said bill, Page 15, Line 15, by inserting after said line the following:

"451.080. 1. The recorders of the several counties of this state, and the recorder of the city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same which may be in the following form: State of Missouri)

) ss.

) County of)

This license authorizes any judge, associate circuit judge, licensed or ordained preacher of the gospel, or other person authorized under the laws of this state, to solemnize marriage between A B of, county of and state of, who is the age of eighteen years, and C D of, in the county of, state of, who is the age of eighteen years.

2. If the man is under eighteen or the woman under eighteen, add the following:

The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C D, as the case may require), has given his or her assent to the said marriage.

Witness my hand as recorder, with the seal of office hereto affixed, at my office, in, the day of, [19] 20..., recorder.

3. On which such license the person solemnizing the marriage shall, within [ninety] **fifteen** days after the issuing thereof, make as near as may be the following return, and return such license to the officer issuing the same: State of Missouri)

) ss.

) County of)

This is to certify that the undersigned did at, in said county, on the day of A. D. [19] 20..., unite in marriage the above-named persons.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, **provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number.** The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon the expiration of three days after the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way

affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

451.130. 1. If any recorder willfully neglect or refuse to issue a license to any person legally entitled thereto on application, on payment or tender of the fee provided for in section 451.150, or shall fail to refuse to record such license, with the return thereon, as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

2. Every officer or person who shall fail to return a license within [ninety] **fifteen** days after the ceremony, or who shall make a false return thereon, or any recorder who shall willfully make a false record of any marriage license or return thereon, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as provided in the preceding part of this section."; and

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

Representative Shields raised a point of order that **House Amendment No. 15** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Hosmer, **House Amendment No. 15** was adopted.

Representative Ross offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 14, Section 196.790, Line 8, by inserting after all of said line the following:

"374.695. No court in this state shall approve any bail bondsman or bail bond agent unless licensed pursuant to sections 374.698 to 374.775.

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;

(2) "Department", the department of insurance of the state of Missouri;

(3) "Director", the director of the department of insurance;

(4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;

(5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:

(1) "Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;

(2) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections 374.700 to 374.775, is employed by or is working under the authority of a licensed general bail bond agent;

(3) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or

authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

(4) "Department", the department of insurance of the state of Missouri;

(5) "General bail bond agent", a surety agent or a property bail bondsman who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;

(6) "Insurer", any surety insurance company which is qualified by the department to transact surety business in Missouri;

(7) "Licensee", a bail bond agent or a general bail bond agent;

(8) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(9) "Surety", a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;

(10) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor;

(11) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

374.702. 1. No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.

2. No judge, attorney, court official, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a bail bond agent or a general bail bond agent.

3. A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the license for at least two years prior to owning or being an officer of a licensed general bail bond agent.

4. A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.

5. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

6. Any person who is convicted of a provision of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a provision of this section is guilty of a class D felony.

374.704. 1. Every applicant for a bail bond agent license or a general bail bond agent license shall apply on forms furnished by the department.

2. The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent or insurer for whom the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed qualifying power of attorney from the general bail bond agent or insurer evidencing or authorizing increased monetary limits or amounts for the recognizance.

3. An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the department of revenue as provided in chapter 147, RSMo.

4. No license shall be granted without a showing that the applicant or applicant's insurer has proof of a three hundred thousand dollar bond or liability policy insuring against any damage to persons or property caused

by the applicant.

374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand dollars] **according to the following schedule**, along with a duly executed assignment [of ten thousand dollars] to the state of Missouri[, which] **in the same amount:**

- (1) **If the general bail bond agent employs three or less bail bond agents, at least fifteen thousand dollars;**
- (2) **If the general bail bond agent employs four to ten bail bond agents, at least twenty-five thousand dollars;**
- (3) **If the general bail bond agent employs eleven to fifteen bail bond agents, at least forty-five thousand dollars;**
- (4) **If the general bail bond agent employs sixteen to twenty bail bond agents, at least sixty-five thousand dollars;**
- (5) **If the general bail bond agent employs twenty-one to twenty-five bail bond agents, at least eighty-five thousand dollars;**
- (6) **If the general bail bond agent employs twenty-six to fifty bail bond agents, at least one hundred thousand dollars;**
- (7) **If the general bail bond agent employs over fifty bail bond agents, at least two hundred thousand dollars; provided, that all bail bonds or appearance bonds written by a general bail bond agent employing over fifty employees and having at least two hundred thousand dollars on deposit with the department of insurance, shall be accepted throughout the state of Missouri provided that the general bail bond agent is in good standing with the department of insurance.**

The assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

374.717. No insurer or licensee, court or law enforcement officer shall:

- (1) **Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:**
 - (a) **A jailer, policeman, peace officer, committing judge or any other person who has power to arrest or to hold in custody any person; or**
 - (b) **Any public official or public employee;**
- (2) **Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;**
- (3) **Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;**
- (4) **Accept anything of value from a principal except the premium and expenses incurred; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity from the principal may be used to reimburse the licensee for any costs and expenses incurred associated with the forfeiture. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.**

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

- (1) **Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;**

- (2) Having entered a plea of guilty or having been found guilty of a felony **or crime involving moral turpitude;**
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;
 - (4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;
 - (6) Violation of[, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations;**
 - (7) Transferring a license or permitting another person to use a license of the licensee;
 - (8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
 - (9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;
 - (10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700 to 374.775;
 - (11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;
 - (12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;
 - (13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;
 - (14)] Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.
2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:
- (1) Censure the person involved;
 - (2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;
 - (3) Suspend, for a period not to exceed three years, the license of the person involved;
 - (4) Revoke the license of the person involved.] **admonish or censure a licensee, or suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**
- 3. In lieu of filing a complaint at the administrative hearing commission, the department and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.**
- 4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license.**
- 374.757. 1. Any agent licensed by sections 374.700 to 374.775 who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class D felony for subsequent violations; and shall also be a violation of section 374.755 and may in addition be punished pursuant to that section.**
- 2. Any agent licensed by sections 374.700 to 374.775 who wrongfully causes damages to any person or property, including but not limited to trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.**

374.764. 1. The director shall examine and inquire into all violations of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in this state by any bail bond agent, general bail bond agent or surety recovery agent.

2. The director or any of his duly appointed agents may compel the attendance before him, and may examine, under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees or any other person, in reference to the condition, affairs, management of the bail bond or surety recovery business or any matters relating thereto. He may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts or other documents, if necessary.

3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by a person other than the director, the person duly appointed by the director shall have the same powers as granted to the director pursuant to this section. A certificate of appointment, under the official seal of the director, shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the director may employ the necessary clerical, actuarial and other assistance.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".

2. As used in sections 374.782 to 374.789, the following terms mean:

- (1) "Department", the department of insurance of the state of Missouri;
- (2) "Fugitive recovery", the tracking down, recapturing and surrendering to the custody of a court a fugitive who has violated a bail bond agreement;
- (3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.

2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.

3. The department shall have power to:

- (1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and
- (2) Determine the sufficiency of the qualifications of applicants for licensure.

4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.

374.784. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved by the department.

2. The basic course of training shall consist of at least forty hours of training, be taught by personnel with qualifications approved by the department and may include instruction in:

- (1) The following areas of the law:
 - (a) Constitutional law;
 - (b) Procedures for arresting defendants and surrendering defendants into custody;
 - (c) Civil liability;
 - (d) The civil rights of persons who are detained in custody;
 - (e) The use of force;
- (2) Procedures for field operations, including, without limitation:
 - (a) Safety and survival techniques;
 - (b) Searching buildings;
 - (c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and
 - (d) The care and custody of prisoners;
- (3) The skills required regarding:
 - (a) Writing reports, completing forms and procedures for exoneration;

- (b) Methods of arrest;
- (c) Nonlethal weapons;
- (d) The retention of weapons;
- (e) Qualifications for the use of firearms;
- (f) Defensive tactics; and
- (g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;

(4) The following subjects:

- (a) Demeanor in a courtroom;
- (b) First aid used in emergencies; and
- (c) Cardiopulmonary resuscitation.

3. No license shall be granted unless the candidate has proof of a one million dollar bond or liability policy insuring against any damages to persons or property caused by the candidate.

374.785. 1. The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one million dollar bond or liability policy and such general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.

2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of Missouri, before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

4. The department may refuse to issue or renew any license required pursuant to sections 374.782 to 374.789 for any one or any combination of causes stated in section 374.787. The department shall notify the applicant in writing of the reasons for refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

374.787. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations;

(2) Having been convicted of a felony or crime involving moral turpitude;

(3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;

(4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;

(5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;

(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions of duties of a surety recovery agent;

(7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSM o. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.

374.788. A surety recovery agent having probable grounds to believe a subject, free on his or her bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:

(1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;

(2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and

(3) Enter upon private or public property in a reasonable manner to execute an arrest of a subject.

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:

(1) Holds himself or herself out to be a licensed surety recovery agent within this state;

(2) Claims that he or she can render surety recovery agent services; or

(3) Engages in fugitive recovery in this state.

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages."; and

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

On motion of Representative Ross, **House Amendment No. 16** was adopted.

Representative Johnson (90) offered **House Amendment No. 17**.

Representative Wright raised a point of order that **House Amendment No. 17** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Ridgeway offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 64, Line 15, by inserting immediately after said line the following:

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.

Representative Ridgeway moved that **House Amendment No. 17** be adopted.

Which motion was defeated.

On motion of Representative Monaco, **HS HCS SS SCS SB 267, as amended**, was adopted.

Representative Marble moved that **HS HCS SS SCS SB 267, as amended**, be re-referred to the Committee on Fiscal Review and Government Reform pursuant to Rule 28, Subsection 20, paragraph (a).

Which motion was defeated.

Representative Smith assumed the Chair.

On motion of Representative Monaco, **HS HCS SS SCS SB 267, as amended**, was read the third time and passed by the following vote:

AYES: 117

Abel
Berkowitz

Baker
Black

Barnett
Bland

Bartle
Bonner

Behnen
Boucher

Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Coleman	Copenhaver	Crowell
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Ford	Fraser
Froelker	Gaskill	George	Graham	Green 15
Green 73	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 27	Kelly 36	Kennedy	Koller
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marsh	May 149
Mayer	Mays 50	Merideth	Monaco	Moore
Murphy	Myers	Naeger	O'Connor	O'Toole
Ostmann	Overschmidt	Portwood	Reid	Reinhart
Relford	Reynolds	Richardson	Ross	Schwab
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Smith	St. Onge	Thompson	Treadway
Troupe	Villa	Vogel	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 031

Barnitz	Bartelsmeyer	Bearden	Berkstresser	Boatright
Cooper	Crawford	Gambaro	Gratz	Griesheimer
Henderson	Hohulin	Hunter	Kelly 144	King
Long	Marble	Miller	Nordwald	Phillips
Purgason	Ransdall	Rector	Roark	Robirds
Scott	Skaggs	Surface	Townley	Van Zandt
Wagner				

PRESENT: 001

Clayton

ABSENT WITH LEAVE: 011

Ballard	Barry 100	Crump	Foley	Franklin
Harlan	Lawson	McKenna	Ridgeway	Rizzo
Scheve				

VACANCIES: 003

Representative Smith declared the bill passed.

MOTION

Representative Green (73) moved that Rule 26 be suspended in order to grant leave to the members of the Budget Committee allowing them to meet while the House is in session.

Which motion was adopted by the following vote:

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AYES: 131

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

NOES: 019

Boatright	Burcham	Cooper	Crowell	Cunningham
Dempsey	Gratz	Griesheimer	Hanaway	Hendrickson
Kelly 144	Linton	Nordwald	Phillips	Portwood
Rector	Roark	Secrest	Wright	

PRESENT: 000

ABSENT WITHLEAVE: 010

Baker	Ballard	Barry 100	Copenhaver	Harlan
Hohulin	Kelly 27	Monaco	Ridgeway	Williams

VACANCIES: 003

Speaker Pro Tem Abel resumed the Chair.

THIRD READING OF HOUSE BILL

HS HCS HBs 981 & 665, relating to immunities, was taken up by Representative Willoughby.

On motion of Representative Willoughby, **HS HCS HBs 981 & 665** was read the third time and passed by the following vote:

AYES: 144

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

NOES: 000

PRESENT: 000

ABSENT WITHLEAVE: 016

Ballard	Barry 100	Black	Bray 84	Burton
Campbell	Green 73	Harlan	Hickey	Kelly 27
Lawson	Lograsso	McKenna	O'Toole	Troupe
Williams				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

THIRD READING OF SENATE BILLS

SS SCS SBs 323 & 230, with House Committee Amendment No. 1 and House Committee Amendment No. 2, relating to sales taxes, was taken up by Representative Koller.

Representative Koller offered **HS SS SCS SBs 323 & 230**.

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

House Amendment No. 1

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 45, Section 210.861, Line 13 of said page, by inserting after all of said line the following:

"321.242. 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, **or the governing body of any fire protection district which has an assessed valuation greater than seven hundred fifty million but less than eight hundred million and which is located in a county of the first classification with a charter form of government with a population greater than nine hundred thousand**, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

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

Shall (insert name of district or municipality) impose a sales tax of (insert rate of tax) for the purpose of providing revenues for the operation of the (insert fire protection district or municipal fire department)?

☐ Yes

☐ No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district or municipality shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or the municipal fire department.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in the fire protection district sales tax trust fund created prior to August 28, 1999, shall be transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and of the amounts which were collected in each fire protection district or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district or municipality and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district or municipality which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district or municipality, and all expenditures of funds arising from the fire protection sales tax trust fund shall be for the operation of the fire protection district or the municipal fire department and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district or municipality for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts or municipalities. If any fire protection district or municipality abolishes the tax, the fire protection district or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of

such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district or municipality, the director of revenue shall remit the balance in the account to the fire protection district or municipality and close the account of that fire protection district or municipality. The director of revenue shall notify each fire protection district or municipality of each instance of any amount refunded or any check redeemed from receipts due the fire protection district or municipality. In the event a tax within a fire protection district is approved pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

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

Representative Koller raised a point of order that **House Amendment No. 1** is improperly drafted.

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 2

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 27, Section 67.1950, Line 13, by striking the word "excluding" and replacing with the word "**including**".

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

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

House Amendment No. 3

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 32, Section 67.1959, Line 4, by striking the following: "**including leases of motor vehicles,**".

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

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

House Amendment No. 4

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 12, Section 67.1005, Line 9 of said page, by inserting after all of said line the following:

"67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five

thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants **or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants** or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo:

(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;

(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;

(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;

(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and

(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a

period of more than five years.

4. Such proposal shall be submitted in substantially the following form :

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

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

12. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;
- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development.”; and

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

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

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

House Amendment No. 5

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 25, Section 67.1934, Line 16, by deleting the word “twenty” and inserting in lieu thereof the word “**five**”.

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

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 25, Section 67.1934, Line 16, by deleting the word “twenty” and inserting in lieu thereof the word “**ten**”.

On motion of Representative Robirds, **House Substitute Amendment No. 1 for House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 15, Section 67.1360, Line 11, by deleting all of said line and inserting in lieu thereof the following: “**two thousand three hundred but less than two thousand five hundred**”; and

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

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

Representative Foley assumed the Chair.

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

House Amendment No. 7

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 45, Section 1, Line 19-21, by striking all of Line 19 after the comma (,) following the word “county” on Line 19, and by striking all of Line 20, and by striking the word “basis” on Line 21, and substituting in lieu thereof the following:

“**require each contract covering the rental of a motor vehicle which is rented within such county on a short-term basis to provide a box which the renter may use to indicate that a one dollar fee may be added to the contract**”.

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

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

House Amendment No. 8

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 46, Section 1, Line 10, by inserting after said line the following:

“Section 2. Notwithstanding section 144.020, in all first class charter counties with a population of less than 350,000 and having enacted a tourism sales tax, all memberships in recreational personal fitness or health club facilities shall be exempt from state and local sales and use taxes.”; and

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

Representative Cooper offered **House Substitute Amendment No. 1 for House Amendment No. 8**.

*House Substitute Amendment No. 1
for
House Amendment No. 8*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 46, Section 1, Line 10, by inserting after said line the following:

“Section 2. Notwithstanding section 144.020, all memberships in recreational personal fitness or health club facilities shall be exempt from state and local sales and use taxes.”; and

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

Representative Cooper moved that **House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated.

Speaker Pro Tem Abel resumed the Chair.

Representative Shields offered **House Substitute Amendment No. 2 for House Amendment No. 8**.

*House Substitute Amendment No. 2
for
House Amendment No. 8*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page

46, Section 1, Line 10, by inserting after said line the following:

“Section 2. Notwithstanding section 144.020, all memberships in recreational personal fitness or health club facilities and golf clubs shall be exempt from state and local sales and use taxes.”; and

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

On motion of Representative Shields, **House Substitute Amendment No. 2 for House Amendment No. 8** was adopted.

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

Representative Koller raised a point of order that **House Amendment No. 9** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 9

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 15, Section 67.1360, Line 22, by inserting at the end of said line the following:

“; or

(19) Any county of the second classification with a population of more than forty-four thousand but less than fifty-thousand inhabitants;”.

On motion of Representative Marble, **House Amendment No. 9** was adopted.

Representative Bearden offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 41, Section 67.1977, Line 21, by inserting the following after Line 20:

“67.1978. The board of directors shall have an annual audit performed by a certified professional accountant or accounting firm. The board of directors shall provide a copy of the annual audit to the governing bodies within the district.

67.1979. Members of the board of directors may be removed by two-thirds vote of the appointing governing body.”; and

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

Representative Foley resumed the Chair.

On motion of Representative Bearden, **House Amendment No. 10** was adopted.

Representative Shields offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, Page 3, Section 67.571, Line 22, by deleting the word “five” in said line and replacing with the word “**six**”; and

Further amend said bill, same section, Line 23, by adding after the word “county” the following:

“from a list of candidates supplied by the chairman of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties.”; and

Further amend said bill, same section, Page 4, Line 2, by deleting the first word “two” in said line and replacing with the word “**three**”.

On motion of Representative Shields, **House Amendment No. 11** was adopted.

On motion of Representative Koller, **HS SS SCS SBs 323 & 230, as amended**, was adopted.

On motion of Representative Koller, **HS SS SCS SBs 323 & 230, as amended**, was read the third time and passed by the following vote:

AYES: 109

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Berkowitz	Berkstresser	Black	Bland
Bonner	Boucher	Bowman	Boykins	Britt
Carnahan	Clayton	Coleman	Cooper	Copenhaver
Crump	Curls	Davis	Dolan	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	George	Graham	Gratz	Griesheimer
Hagan-Harrell	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Holand
Hollingsworth	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Liese	Lograsso	Long	Lowe	Luetkemeyer
Luetkenhaus	Marsh	May 149	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Ransdall	Relford	Richardson	Rizzo
Robirds	Ross	Scheve	Schwab	Scott
Seigfreid	Shelton	Shields	Shoemyer	Skaggs
Smith	Thompson	Townley	Treadway	Van Zandt
Villa	Vogel	Wagner	Ward	Wiggins
Williams	Willoughby	Wilson 25	Mr. Speaker	

NOES: 044

Ballard	Bartle	Bearden	Behnen	Boatright
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Burcham	Burton	Byrd	Champion	Cierpiot
Crawford	Crowell	Cunningham	Dempsey	Enz
Fares	Gaskill	Green 15	Hampton	Hanaway
Hohulin	Holt	Hunter	Jetton	Levin
Linton	Marble	Mayer	Murphy	Phillips
Portwood	Purgason	Rector	Reid	Reinhart
Reynolds	Ridgeway	Roark	Secrest	Selby
St. Onge	Surface	Walton	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84	Brooks	Campbell	Green 73	Harlan
Troupe	Wilson 42			

VACANCIES: 003

Representative Foley declared the bill passed.

HCS SB 462, relating to agriculture, was taken up by Representative Legan.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 462, Pages 26 and 27, Section 414.433, Lines 2 to 8, by deleting all of said lines and inserting in lieu thereof the following:

"(1) "B-20", a blend of two fuels of twenty percent by volume biodiesel and eighty percent by volume petroleum-based diesel fuel;

(2) "Biodiesel", as defined in ASTM Standard PS121;

(3) "Eligible new generation cooperative", a nonprofit farmer-owned cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility, as defined in section 348.430, RSMo."; and

Further amend said bill, Page 2, Section 252.303, Line 27, by deleting all of said line and inserting in lieu thereof the following:

"(9) "Forested-riparian buffers", a combination of trees and other vegetation"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 462, Page 26, Section 409.401, Line 134, by inserting after all of said line the following:

“414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. All sellers of motor fuel which has been blended with an alcohol additive shall notify the buyer of same.

3. All sellers of motor fuel which has been blended with at least one percent oxygenate by weight shall notify the buyer at the pump of the type of oxygenate.

4. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane.”; and

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

Representative Smith resumed the Chair.

Representative Gambaro raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Lines 16 and 17, by deleting all of said lines and inserting in lieu thereof the following:

"biodiesel will not exceed the rack price of regular diesel. If there is no incremental cost difference between biodiesel above the rack price of regular diesel, then the state school aid program will not make payment for biodiesel purchased during the period where no incremental cost exists. The payment shall be made based on the incremental cost difference incrementally up to seven-tenths percent of the entitlement authorized by section 163.161, RSMo,"; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

"578.029. 1. A person commits the crime of intentionally releasing or confiscating an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases or confiscates any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

2. As used in this section "animal" means every living creature, domesticated or wild, but not including *Homo sapiens*.

3. The provisions of this section shall not apply to or affect any of the following:

(1) Any person acting with lawful authority to release or confiscate an animal;

(2) Any employee or agent of the Missouri department of agriculture acting within the scope of his or her duties;

(3) Any public health official, animal welfare officer, animal control officer, law enforcement officer or other governmental employee or individual required to assist or requested to assist a person acting with lawful authority to release or confiscate an animal.

4. Intentionally releasing or confiscating an animal is a class A misdemeanor except that the second or any subsequent offense is a class D felony."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

"537.353. 1. Any person or entity who knowingly damages or destroys any field crop product that is grown for personal or commercial purposes, or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state or local government agency, shall be liable for double damages pursuant to this section.

2. In awarding damages pursuant to this section, the courts shall consider the following:

(1) The market value of the crop prior to damage or destruction; and

(2) The actual damages involving production, research, testing replacement and crop development costs directly related to the crop that has been damaged or destroyed."; and

Further amend said bill Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

"578.414. 1. Sections 578.414 to 578.420 shall be known and may be cited as "The Crop Protection Act". As used in sections 578.414 to 578.420, the term "director" shall mean the director of the department of agriculture.

578.416. No person shall:

(1) Intentionally cause the loss of any crop;

(2) Damage, vandalize, or steal any property in or on a crop;

(3) Obtain access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;

(4) Enter or otherwise interfere with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;

(5) Knowingly obtain, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop;

(6) Enter or remain on land on which a crop is located with the intent to commit an act prohibited by this section.

578.418. 1. Any person who violates section 578.416:

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

(2) Shall be guilty of a class D felony if the loss or damage to the crop 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 or damage to the crop 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 or damage to the crop exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.416 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 or damage to a crop, the court shall conduct a hearing to determine the reasonable cost of replacement of the property or crops that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost income and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.416.

4. Any persons found guilty of a violation of section 578.416 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the land on which the crop is located, 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 578.416 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 578.414 to 578.420 shall preclude any owner or operator injured in his or her business or property by a violation of section 578.416 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.416. The owner or operator of the business may petition the court to permanently enjoin such persons from violating sections 578.414 to 578.420 and the court shall provide such relief.

578.420. 1. The director shall have the authority to investigate any alleged violation of sections 578.414 to 578.420, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.414 to 578.420. 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 578.414 to 578.420. No rule or portion of a rule promulgated under the authority of sections 578.414 to 578.420 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 462, Page 8, Section 262.810, Line 3, by inserting after all of said line the following:

"272.010. All fields and enclosures **where animals are kept** shall be enclosed by [hedge, or with a fence sufficiently close, composed of posts and rails, posts and palings, posts and planks, posts and wires, palisades or rails alone, laid up in a manner commonly called a worm fence, or of turf, with ditches on each side, or of stone or brick] **a lawful fence as defined in section 272.020.**

272.020. [All hedges shall be at least four feet high, and all fences composed of posts and rails, posts and palings, posts and wire, posts and boards or palisades, shall be at least four and one-half feet high, with posts set firmly in the ground, not more than eight feet apart, and with rails, palings, wire, boards or palisades securely fastened thereto, and placed at proper distances apart, so as to resist horses, cattle, swine and like stock; and fences composed of woven wire, wire netting or wire mesh shall be at least four and one-half feet high, securely fastened to posts, such posts to be set firmly in the ground, and not more than sixteen feet apart, and such woven wire, wire netting or wire mesh to be of sufficient closeness and strength as to resist horses, cattle, swine and like stock; those composed of turf shall be at least

four feet high and with ditches on either side at least three feet wide at the top and three feet deep; and what is known as a worm fence shall be at least five feet high to the top of the rider, or if not ridered, shall be five feet to the top rail or pole, and shall be locked with strong rails or poles or stakes; those composed of stone or brick shall be at least four and one-half feet high; provided, that in counties in this state in which swine are restrained from running at large, all fences built of posts set firmly in the ground, not more than sixteen feet apart, and three barbed wires tensely stretched and securely fastened thereto, and the upper wire being substantially four feet from the ground, and the two remaining wires placed at proper distances below to resist horses, cattle and like stock, and all fences built of posts and rails, or posts and slats, with posts set firmly in the ground, not more than ten feet apart, and with three rails or slats securely fastened thereto, and the upper rail or slat being placed substantially four and one-half feet from the ground, and the two remaining rails or slats to each panel being placed at proper distances below to resist horses, cattle and like stock, and all fences built of posts and boards, with posts set firmly in the ground, not more than eight feet apart, and board substantially one inch thick and six inches wide, securely fastened thereto, and the upper board being at least four and one-half feet high, and the remaining boards placed at proper distances below, to resist horses, cattle and like stock, shall be deemed and held to be a good and lawful fence; provided, that nothing contained in this section shall be so construed as to relieve any railroad company from the obligation of fencing the right-of-way of said company against hogs, sheep, cattle, horses and like stock.] **1. Any fence consisting of posts and wire or boards at least four feet high which is mutually agreed upon by adjoining landowners or decided upon by the associate circuit court of the county is a lawful fence.**

2. All posts shall be set firmly in the ground not more than twelve feet apart with wire or boards securely fastened to such posts and placed at proper distances apart to resist horses, cattle and other similar livestock.

272.040. Upon complaint of [the party injured to any circuit or associate circuit judge of the county, such circuit or] **either party claiming to be injured because of the trespass or taking up of livestock as described in section 272.030, the associate circuit judge shall, without delay, issue an order to three disinterested householders of the neighborhood, not of kin to either party, reciting the complaint, and requiring them to view the [hedge or] fence where the trespass is complained of, and take memoranda of the same, and appear before the [judge] court on the day set for trial; and their evidence shall determine the lawfulness of such fence. The persons appointed by the associate circuit judge shall be paid twenty-five dollars each per day for the time actually employed which shall be taxed as costs in the case equally against the parties and collected accordingly.**

272.050. If any person [damned for want of such] **who does not maintain a sufficient [hedge or] fence, shall hurt, wound, lame, kill or destroy, or cause the same to be done by shooting, worrying with dogs, or otherwise, any of the animals in this chapter mentioned, such [persons] person shall satisfy the owner in double damages with costs.**

272.060. [Whenever the fence of any owner of real estate, now erected or constructed, or which shall hereafter be erected or constructed, the same being a lawful fence, as defined by sections 272.010 and 272.020, serves to enclose the land of another, or which shall become a part of the fence enclosing the lands of another, on demand made by the person owning such fence, such other person shall pay the owner one-half the value of so much thereof as serves to enclose his land, and upon such payment shall own an undivided half of such fence.] **1. Whenever the owner of real estate desires to construct or repair a lawful fence, as defined by section 272.020, which divides his or her land from that of another, such owner shall give written notice of such intention to the adjoining landowner. The landowners shall meet and each shall construct or repair that portion of the division fence which is on the right of each owner as the owners face the fence line while standing at the center of their common property line on their own property. If the owners cannot agree as to the part each shall construct or keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township or county to appear on the premises, giving three days' notice to each of the parties of the time and place where such viewers shall meet, and such viewers shall, under oath, designate the portion to be constructed or kept in repair by each of the parties interested and notify them in writing of the same. Such viewers shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as court costs.**

2. Existing agreements not consistent with the procedure prescribed by subsection 1 of this section shall be in writing, signed by the agreeing parties, and shall be recorded in the office of the recorder of deeds in the county or counties where the fence line is located. The agreement shall describe the land and the portion of partition fences between their lands which shall be erected and maintained by each party. The agreement shall bind the makers, their heirs and assigns.

272.070. [If the parties interested shall fail to agree as to the value of one-half of such fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay, issue an order to three

disinterested house holders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the associate circuit judge on the day named in the order.] **If either party fails to construct or repair his or her portion of the fence in accordance with the provisions of section 272.060 within a reasonable time, the other may petition the associate circuit court of the county to authorize the petitioner to build or repair the fence in a manner to be directed by the court. If the court authorizes such action, the petitioner shall be given a judgment for that portion of the total cost of the fence which is chargeable as the other party's portion of the fence, court costs and reasonable attorney's fees. Any such judgment shall be a lien on the real estate of the party against whom the judgment may be given.**

272.100. The persons appointed by the associate circuit judge [under sections 272.070 and 272.090] **pursuant to section 272.040** to discharge the duties therein specified, shall receive [one dollar] **twenty-five dollars** each per day for the time actually employed, which[, together with the fees of the associate circuit judge and sheriff,] shall be taxed as costs in the case against the parties [in proportion to their respective interests,] and collected accordingly.

272.110. Every person owning a part of a division fence shall keep **his or her portion of** the same in good repair according to the requirements of this chapter, and [when said division fence is a hedge, shall properly trim the same at least once a year, to a height not greater than four and one-half feet, and to a breadth not greater than three feet, and for the purpose of trimming said hedge as aforesaid, he shall have the right to] **may** enter upon any land lying adjacent thereto **for such purpose**. [Either party owning land adjoining a division fence or hedge may, upon the failure of any of the other parties, have all that part of such division fence belonging to such other parties repaired, upon the failure of such other party to do so, such repairing or trimming to be at the cost of the party so failing to repair or trim his part of such fence; and the party so repairing or trimming such hedge shall always throw the brush trimmed off on his own side of such hedge; and upon neglect or refusal to keep said fence in repair, or to keep said hedge trimmed as provided in this section, such owner shall be liable in double damages to the party injured thereby, and such injured party may enforce the collection of such damages by restraining any cattle or other stock that may break in or come upon his enclosure by reason of the failure of such other party to keep his portion of such division fence in repair and proceeding therewith under the provisions of sections 270.010 to 270.200, RSMo.]

272.130. Any person aggrieved by any order or judgment of the associate circuit judge made or entered [under] **pursuant to** the provisions of [sections 272.040, 272.070 and 272.090] **section 272.040 or 272.070** may have the same reviewed in the same manner as other civil actions.

272.132. If either of two adjoining landowners does not need a fence, the landowner that needs a fence may build the entire fence and report the total cost to the associate circuit judge who shall authorize the cost to be recorded on each deed. Should the landowner that claimed no need for a fence subsequently place livestock against the fence, the landowner that built the fence shall be reimbursed for one-half the construction costs share to be determined as provided in section 272.060.

272.134. Nothing in this chapter shall prevent adjoining landowners from agreeing that no fence is needed between their property.

272.136. Nothing in this chapter shall prevent either of adjoining landowners from building the landowner or the landowner's neighbor's portion of a fence in excess of the lawful fence requirements prescribed by this chapter.

[272.150. The owners and occupiers of saltpeter works within this state shall keep the same enclosed with a good and lawful fence, so as to prevent horses, cattle and other stock that may receive injury thereby from having access thereto.]

[272.160. Every person, owner or occupier of any saltpeter works within this state, failing to secure the same, with a good and lawful fence, from horses, cattle and any kind of stock that may be injured by drinking the saltpeter water, shall be liable to an action by the party injured by such neglect for double the value of such horses, cattle or other stock injured or killed by drinking such water, to be recovered in any court having competent jurisdiction to try the same.]

[272.170. Hereafter all persons owning or running cotton gins in the state of Missouri shall keep them enclosed with a sufficient fence to keep out hogs.]

[272.180. They shall not allow the cotton seed from their gin to be scattered or thrown outside of the enclosure.]

[272.190. Any person violating the provisions of sections 272.170 and 272.180 shall be liable for all damage accruing therefrom.]

[272.200. All lands, within this state, upon which sorghum or other poisonous crops are planted shall be enclosed by the owners and occupiers with a good and lawful fence so as to prevent horses, cattle or other stock that may receive injury thereby from having access thereto; provided, that a lawful fence as used in this section shall be construed to

mean such fences as are described elsewhere in this chapter and that the same penalties for damages as provided in section 272.160 shall be recoverable under this section; provided further, that this law shall not apply to counties and townships that have or may hereafter adopt a stock law.]

[272.210. As used in sections 272.210 to 272.370 the following words and terms have the following meanings:

(1) "Lawful fence", a fence with not less than four boards per four feet of height; said boards to be spaced no farther apart than twice the width of the boards used fastened in or to substantial posts not more than twelve feet apart with one stay, or a fence of four barbed wires supported by posts not more than fifteen feet apart with one stay or twelve feet apart with no stays, or any fence which is at least equivalent to the types of fences described herein;

(2) "Stay", a vertical member attached to each board or wire comprising the horizontal members of the fence.]

[272.220. All fields and enclosures in which livestock are kept or placed shall be enclosed by a lawful fence.]

[272.230. If any horses, cattle or other stock trespass upon the premises of another, the owner of the animal shall for the first trespass make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before an associate circuit judge, or in any court of competent jurisdiction, and for any subsequent trespass the party injured may put up the animal or animals and take good care of them and immediately notify the owner, who shall pay to the taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove them, and if the owner and taker-up cannot agree upon the amount of the damages and compensation either party may make complaint to an associate circuit judge of the county, setting forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause, and shall issue a summons to the adverse party and proceed with the cause as in other civil cases. If the owner recovers, he shall recover his costs and any damages he may have sustained, and the associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition to a general judgment and execution, he shall have a special execution against the animals to pay the judgment rendered and costs.]

[272.235. If there is a need for a fence by either of two joining landowners both shall be obligated to build and maintain a fence under the provisions of sections 272.210 to 272.370. Nothing in sections 272.210 to 272.370 shall prevent joining landowners from agreeing that no fence is needed between their property.]

[272.240. Whenever the owner of real estate desires to erect or construct a lawful fence which wholly or partially borders the land of another, he shall notify the other owner that he desires a division fence. If within ninety days after receiving the notice, the other landowner has not erected or constructed one-half of the division fence, the owner desiring the fence may apply to the associate division of the circuit court for an order to proceed with the construction and ordering the other landowner to pay one-half the value of so much thereof, as borders his land, and upon the payment shall own an undivided one-half of the fence; except that no owner shall be required to pay more than one-half the value of a lawful fence of four barbed wires, regardless of the type fence constructed. The associate division of the circuit court costs shall be taxed against the other landowner.]

[272.250. If the parties interested fail to agree as to the value of one-half of the fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the judge on the day named in the order.]

[272.260. If the person thus assessed or charged with the value of one-half of any fence, under the provisions of sections 272.210 to 272.370 shall neglect or refuse to pay over to the owner of the fence the amount so awarded, the same may be recovered before a court of competent jurisdiction.]

[272.270. 1. The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. Any such agreement shall bind the makers, their heirs and assigns.

2. When one owner desires to make a division of the fence between his land and an adjoining landowner refuses to agree to a division, then the provisions of section 272.280 may be used to effect a division which shall be recorded in the office of the recorder of deeds in the county in which most of the fence is located.]

[272.280. If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to a circuit or associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall meet, and the viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.]

[272.290. Whenever the fence of any owner of real estate now erected or constructed, or which shall hereafter

be erected, constructed or rebuilt, the same being thereafter a fence designed to restrain swine, sheep or other animals requiring special fences, borders the land of another or which becomes a part of the fence bordering the land of another and is used to enclose such animals owned by the other person, on demand made by the person owning the fence, the other person shall pay the owner one-half of the value of so much thereof as borders his land, and upon the payment shall own an undivided half of the fence; except that no owner shall be required to pay more than the amount which would have been required to erect, construct or rebuild a lawful fence of four barbed wires on his one-half of the fence.]

[272.300. The persons appointed by the judge under sections 272.250 and 272.280 to discharge the duties therein specified, shall receive five dollars each per day for the time actually employed, which, together with the fees of the judge and sheriff, shall be taxed as costs in the case against the parties in proportion to their respective interests, and collected accordingly.]

[272.310. Every person owning a part of a division fence shall keep the same in good repair according to the requirements of sections 272.210 to 272.370. Either party owning land adjoining a division fence may, upon the failure of any of the other parties, have all that part of the division fence belonging to the other parties repaired, upon the failure of the other party to do so, the repairing to be at the cost of the party so failing to repair his part of the fence.]

[272.330. 1. The provisions of sections 272.240 to 272.350 shall apply to any division fence even though it may stand wholly upon one side of the division line.

2. The provisions of sections 272.210 to 272.370 shall not apply to counties which have all or partial open range.]

[272.340. Any person aggrieved by any order or judgment of the judge made or entered under the provisions of sections 272.250 and 272.280 may have the same reviewed by a petition in the circuit court of the county wherein the proceedings were had, verified by affidavit. A copy of the petition shall be delivered to the adverse party at least fifteen days before the commencement of the next term of the court, and the original filed in the office of the clerk; provided, that the petition may be filed within thirty days after the order or judgment was made or rendered, and not afterward.]

[272.350. The petition shall set forth the grounds of objection, and upon the filing thereof the circuit court shall be possessed of the cause, and proceed to hear and determine the objections, and make such order or judgment as may be right and just in the premises.]

[272.360. The provisions of sections 272.210 to 272.370 are hereby suspended in the several counties of this state until a majority of the legal voters of any county voting on the question at any general or special election called for that purpose shall decide to enforce the same in the county.]

[272.370. The county commission may on its own motion and shall upon the petition of one hundred real estate owners of ten acres or more of the county submit to the voters at a general or special election the proposition for the adoption by the county of the provisions of sections 272.210 to 272.370. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. If a majority of the voters voting on the proposition vote in favor of the adoption of the provisions of sections 272.210 to 272.370 the county commission shall issue an order declaring the adoption. From and after the issuance of the order the provisions of sections 272.210 to 272.370 shall be in full force and effect in the county and the provisions of sections 272.010 to 272.140 shall be suspended in the county.]; and

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

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

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

House Amendment No. 7 was withdrawn.

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

AMEND House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 2, by striking the word "intentionally" and replacing it with the word "**purposely**".

Representative Reid offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

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

AMEND House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Lines 2 to 5, by deleting all of said lines and inserting in lieu thereof the following:

"if that person purposely spreads any type of contagious, communicable or infectious disease among livestock as defined in section 267.565, RSMo, or other animals.

2. Spreading disease to livestock or animals is a class D felony unless the damage to the livestock or animals is ten million dollars or more in which case it is a class B felony."; and

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

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

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

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 462, Page 17, Section 278.300, Line 9, by inserting after all of said line the following:

"281.215. 1. There is hereby created in the state treasury the "Pesticide Project Fund". The annual registration fees imposed in section 281.260 shall be credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:

- (1) Up to ten percent for the administration of the fund;**
- (2) Up to ten percent for the pesticide education through the pesticide applicator training (PAT) program at the University of Missouri;**
- (3) Up to fifteen percent for the integrated pest management (IPM) practices through the integrated pest management program in the department of agriculture;**
- (4) Up to forty percent for the sustainable agriculture program in the department of agriculture and marketing of products carrying the AgriMissouri or successor trademark pursuant to sections 261.230 to 261.239, RSMo;**

- (5) Up to ten percent for the agriculture awareness program in the department of agriculture;**
 - (6) Up to fifteen percent for pesticide and water quality monitoring projects; and**
 - (7) Any remaining moneys may be used to fund other pest related issues as determined by the director.**
- 2. To be eligible for moneys in the pesticide project fund, the entities listed in subsection 1 of this section 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.**

3. Within thirty days of the end of the state fiscal year in which moneys are allocated, the entities listed in subsection 1 of this section 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.

4. 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.

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

6. No moneys, except moneys for pesticide project fund administration, shall be withdrawn from the fund prior to July 1, 2002.

7. The maximum balance allowable in the pesticide project fund shall be two million dollars. Any moneys in excess of two million dollars shall revert to the general revenue fund at the end of the fiscal year.

8. The pesticide project fund shall be administered by the plant industries division within the department of agriculture.

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] **one hundred** 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] **pesticide project fund established in section 281.215**. 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 dollars] **twenty-five percent** 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. 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. 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 conditions are inadequate to avoid unreasonable adverse effects on the environment.

9. 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. 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. 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 said title, enacting clause and intersectional references accordingly.

HCS SB 462, as amended, with House Amendment No. 8, pending, was laid over.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HS HB 715 - Fiscal Review and Government Reform (Fiscal Note)

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 33 - Environment & Energy

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS SB 236 - Fiscal Review and Government Reform (Fiscal Note)

SCS SBs 52 & 91 - Motor Vehicle and Traffic Regulations

SCS #2 SB 66 - Children, Families and Health

SCS SBs 69 & 458 - Criminal Law

SB 180 - Civil and Administrative Law

SS SCS SB 226 - Miscellaneous Bills & Resolutions

SCS SBs 448 & 588 - Children, Families and Health
SB 509 - Fiscal Review and Government Reform
SS SCS SB 525 - Miscellaneous Bills & Resolutions

COMMITTEE REPORTS

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 370**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND Senate Bill No. 370, Page 7, Section 469.409(2)(b), Line 26, by adding the phrase “**provided that there is no conflict of interest between that person and the qualified beneficiary that person is representing.**” after the word “address”.

Committee on Commerce and Economic Development, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred **SCR 23**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred **SCS SB 617**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **SCR 3**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Labor, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **SB 500**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Local Government and Related Matters, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 486 & SB 422**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 591**, begs leave to report it has examined the same and recommends that the **House**

Committee Substitute Do Pass.

Committee on Miscellaneous Bills & Resolutions, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HR 229**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 229

WHEREAS, the General Assembly has a tradition of granting the use of the House of Representatives and Senate Chambers for mock legislative workshops conducted by civic organizations; and

WHEREAS, the University Extension 4-H Development Program is an educational experience in state government for youth by allowing such youth, with the aid and supervision of extension staff and legislators, to participate in mock legislative hearings and floor discussions of current bills that are of interest to youth:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-first General Assembly, hereby grant the 4-H Citizenship Youth Forum permission to use the House Chamber on Thursday, June 28, 2001, from 9:00 a.m. until 11:30 a.m. to conduct a mock legislative session.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SS SCS SJRs 1 & 4**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SCS SBs 5 & 21**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SB 416**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Retirement, Chairman Hagan-Harrell reporting:

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

Committee on Social Services, Medicaid and the Elderly, Chairman Ladd Baker reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SCS SB 236**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Sportsmanship, Safety and Firearms, Chairman Crump reporting:

Mr. Speaker: Your Committee on Sportsmanship, Safety and Firearms, to which was referred **SB 123**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 244**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Urban Affairs, Chairman Curls reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SCS SB 290**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Utilities Regulation, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SCR 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

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

HCR 34, introduced by Representative Boucher, to create a Joint Interim Committee of the General Assembly to conduct a study and make appropriate recommendations concerning the allocation of the excursion gambling boat admission fees to the Veterans' Commission Capital Improvement Trust Fund and the Early Childhood Development, Education and Care Fund.

MESSAGES FROM THE SENATE

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 491**: Senators Goode, Gibbons, Schneider, Sims and Yeckel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 596**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 600**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 742**, entitled:

An act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

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 **HB 779**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 909**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 922**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 408**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 410**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 502**, entitled:

An act to authorize the governor to convey certain property in St. Francois County which is part of the Southeast Missouri Mental Health Center to the American Legion.

With Senate Amendment No. 1

Senate Amendment No. 1

AMEND House Bill No. 502, Page 1, Section 1, Lines 5-11, by striking all of said lines and inserting in lieu thereof the following:

"Part of Lots 75, 76 and Wm. Alexander 300 Acre Tract of F.W. Rohlands Subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri.

Commencing at an old iron pin marking the Northwest corner of Lot 62 of F.W. Rohlands subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, thence South 27°55'00" West 1,469.86' feet to a found R/W marker on the South right-of-way (ROW) of Missouri Route "W" being the point of beginning of the following described tract; said point of beginning also being the point of beginning of a (.68) Acre tract conveyed to the American Legion Post 416; thence South 24°50'24" East 300.00' along the east line of said tract to a point marking the eastern most corner of said tract; thence South 51°03'24" West 102.36' feet to a point marking the southern most corner of said tract and being on the east line of a tract N/F USAR C TRAINING CENTER; thence South 24°50'24" East 75.00' feet along the east line of said training center to a point; thence departing said east line of said tract North 51°03'24" East 207.72' feet to a point; thence North 20°45'47" West 350.75' to a point on the south right-of-way of said Route "W"; thence South 65°11'39" West 125.00' feet along said right-of-way line to the point of beginning, and containing 1.11 acres more or less."; and

Further amend by renumbering the remaining subsection 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 **HB 788**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 510, 512 & 133**, entitled:

An act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo 2000, relating to charter schools, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause for a certain section.

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 **SCS SB 578**, entitled:

An act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

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 **HCS HB 207**, entitled:

An act to repeal sections 34.115 and 313.835, and to enact in lieu thereof two new sections relating to the veterans' commission capital improvement trust fund, with an emergency clause.

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

Senate Committee Amendment No. 1

AMEND House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 42, by deleting the word "and"; and

Further amend said bill, Page 3, Section 313.835, Line 51, by inserting after the word commission, as it appears the second time on said line, the following:

“; and

(f) For payment of Missouri National Guard and Missouri Veterans' Commission expenses associated with

providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II pursuant to Sections 42.170 to 42.190, RSMo”.

Senate Amendment No. 1

AMEND House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 44, by inserting immediately after the word “organization” the following: “, **or municipal government agency**”.

Senate Amendment No. 2

AMEND House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 51 of said page, by inserting at the end of said line the following:

“(f) For payment of Missouri national guard and Missouri veterans' commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II pursuant to sections 42.170 to 42.190, RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay for the buglers at veteran burials; and

(g) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I.”.

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 **SCS HCS HBs 302 & 38**, entitled:

An act to repeal sections 302.130, 302.178, 302.302, 302.304, 302.309, 302.505, 302.510, 302.520, 302.540, 302.541, 577.012, 577.021, 577.023, 577.037, 577.041, 577.600 and 577.602, RSMo 2000, relating to traffic offenses, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

With Senate Amendment No. 1 and Senate Amendment No. 3

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bills Nos. 302 & 38, Page 19, Section 302.540, Line 49, by inserting after all “mental health” the following: “**may create a treatment demonstration project within existing appropriations and**”.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bills Nos. 302 & 38, Page 18, Section 302.520, Line 28, by inserting after all of said line the following:

“302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536, RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided

by the judge sitting without a jury. The presiding judge of the circuit court may assign a [traffic judge, pursuant to section 479.500, RSMo 1994, a] circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license.”; and

Further amend said bill, Page 21, Section 304.028, Line 26, by inserting after all of said line the following:

“479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010, RSMo, which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. [These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309, 302.311, 302.535 and 302.750, RSMo.]

4. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

5. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

6. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner

pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. No term of imprisonment or confinement may be assessed by a traffic judge. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

7. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

8. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.

9. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

10. All costs to establish and operate a county municipal court under section 66.010, RSMo, and this section shall be borne by such county.”; 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 SB 27**, entitled:

An act to repeal sections 273.325, 273.327, 273.329, 273.342, 273.352, 273.357, 322.010, 578.012 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

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 SBs 42 & 108**, entitled:

An act to repeal section 160.261, RSMo 2000, relating to public education, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

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 SB 375**, entitled:

An act to repeal sections 58.451, 58.740, 188.015, 188.052, 188.055, 188.070, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo 2000, relating to public records, and to enact in lieu thereof seventeen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 387**, entitled:

An act to amend chapter 393, RSMo, by adding thereto two new sections relating to allowing certain electrical corporations to recover certain costs, 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 request the House of Representatives to return **SS SCS SBs 476, 427 & 62** to the Senate for correction and re-passage.

ADJOURNMENT

On motion of Representative Clayton, the House adjourned until 10:00 a.m., Thursday, May 3, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-fifth Day, Tuesday, May 1, 2001, pages 1449 and 1450, roll call, by showing Representatives Hunter and Scott voting "aye" rather than "absent with leave".

Pages 1451 and 1452, roll call, by showing Representative Naeger voting "aye" rather than "absent with leave".

Page 1453, roll call, by showing Representatives Naeger and Robirds voting "aye" rather than "absent with leave".

Page 1454, roll call, by showing Representative Naeger voting "aye" rather than "absent with leave".

Page 1455, roll call, by showing Representatives Hunter, Kelly (144), Levin, Naeger, Scott and Secrest voting "aye" rather than "absent with leave".

Pages 1455 and 1456, roll call, by showing Representatives Franklin, Robirds and Scott voting "aye" rather than "absent with leave".

Page 1457, roll call, by showing Representative Franklin voting "aye" rather than "absent with

leave".

Pages 1460 and 1461, roll call, by showing Representative Scott voting "aye" rather than "absent with leave".

Pages 1461 and 1462, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Pages 1461 and 1462, roll call, by showing Representative Moore voting "no" rather than "absent with leave".

Pages 1462 and 1463, roll call, by showing Representatives Copenhaver and Harding voting "aye" rather than "absent with leave".

Pages 1465 and 1466, roll call, by showing Representatives Franklin and Wilson (42) voting "aye" rather than "absent with leave".

Pages 1467 and 1468, roll call, by showing Representative Copenhaver voting "no" rather than "absent with leave".

Pages 1469 and 1470, roll call, by showing Representatives Boucher and Scott voting "aye" rather than "absent with leave".

Pages 1472 and 1473, roll call, by showing Representative George voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - TRANSPORTATION

Thursday, May 3, 2001, 8:30 am. Hearing Room 3.
CANCELLED.

APPROPRIATIONS - TRANSPORTATION

Wednesday, May 9, 2001, 8:30 am. Hearing Room 7.
MODOT presentation.

CHILDREN, FAMILIES, AND HEALTH

Thursday, May 3, 2001, 8:30 am. Hearing Room 2.
Executive Session.

COMMERCE AND ECONOMIC DEVELOPMENT

Thursday, May 3, 2001. Side gallery upon adjournment.
Executive Session.
CANCELLED.

To be considered - SB 617

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, May 3, 2001, 8:00 am. Hearing Room 3.

House Bills 2 through 12.

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, May 3, 2001. Hearing Room 3 upon adjournment.

House Bills 2 through 12.

ENVIRONMENT AND ENERGY

Thursday, May 3, 2001, 9:00 am. Hearing Room 7.

Executive Session may follow.

To be considered - HCR 33, SCR 28

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, May 3, 2001, 1:00 pm. Senate Lounge.

Committee will meet at 1:00 pm or upon adjournment of both houses.

Rule # 13CSR 70-20.050, 20CSR 500.6.700

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, May 14, 2001, 9:30 am. Hearing Room 1.

Time subject to change with legislative schedule.

Quarterly business release of Oversight reports.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, May 8, 2001, 9:00 am. Hearing Room 1.

Second quarter meeting. AMENDED.

JUDICIARY

Tuesday, May 8, 2001. Hearing Room 5 upon morning adjournment.

Executive Session to follow.

To be considered - SB 128, SB 258

LOCAL GOVERNMENT AND RELATED MATTERS

Thursday, May 3, 2001, 9:30 am. Side gallery.

Executive Session.

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Tuesday, May 8, 2001. Side gallery upon morning adjournment.

Executive Session.

SPECIAL COMMITTEE ON REDISTRICTING

Thursday, May 3, 2001, 8:30 am. Hearing Room 5.

Discussion of plans.

Possible Executive Session.

URBAN AFFAIRS

Tuesday, May 8, 2001. Side gallery upon morning adjournment.

Executive Session. Reconsideration.

To be considered - HB 963

UTILITIES REGULATION

Thursday, May 3, 2001, 8:15 am. Hearing Room 6.

Executive Session may follow.

HOUSE CALENDAR

SIXTY-SEVENTH DAY, THURSDAY, MAY 3, 2001

HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 34

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 593 - Riback Wilson (25)
- 3 HCS HB 239 - Smith
- 4 HB 802 - Ransdall
- 5 HCS HB 374 - Fraser
- 6 HCS HB 635 - Barry
- 7 HCS HB 868 - Merideth
- 8 HCS HB 253 - Ross
- 9 HB 809, HCA 1 - Carnahan
- 10 HCS HB 340, 303 & 316 - Graham
- 11 HB 640 - Johnson (90)
- 12 HCS HB 723 - Mays (50)
- 13 HCS HB 117 - Riback Wilson (25)
- 14 HCS HB 307 - Wiggins
- 15 HCS HB 921 - Curls
- 16 HB 911 - Carnahan
- 17 HCS HB 511 - Johnson (90)

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HCS HB 853 & 258 - Crump
- 3 HCS HB 186 & 172 - Troupe
- 4 HCS HB 888, 942 & 943 - Scheve
- 5 HCS HB 472 - Burton
- 6 HCS HB 293 - Kennedy
- 7 HCS HB 663 & 375 - Kennedy
- 8 HCS HB 170 - Froelker

HOUSE BILLS FOR THIRD READING

- 1 HB 527, (Fiscal Review 4-19-01) - Luetkenhaus
- 2 HS HB 286, E.C. - Smith
- 3 HS HB 715, (Fiscal Review 5-2-01) - Foley

SENATE BILLS FOR SECOND READING

- 1 SS SCS SB 27
- 2 SCS SB 42 & 108
- 3 SS SCS SB 375
- 4 SCS SB 387
- 5 SS SCS SB 510, 512 & 133
- 6 SCS SB 578

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 SCR 23 - Bonner
- 2 SCR 27 - Hagan-Harrell
- 3 SCR 3 - Dempsey
- 4 SCR 18 - Mays (50)

SENATE JOINT RESOLUTION FOR THIRD READING

SS SCS SJR 1 & 4, (Fiscal Review 5-2-01) - O'Toole

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SB 130 - Barry
- 2 SCS SB 514 - Hosmer
- 3 SB 353, HCA 1 - Shields
- 4 HCS SB 274 - Harlan
- 5 HCS SCS SB 568 - Davis
- 6 SB 451 - Mays (50)

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- 7 SCS SB 352 - Lawson
- 8 HCS SCS SB 178 - Hoppe
- 9 HCS SB 345 - Holt
- 10 HCS SCS SB 515 - Kennedy
- 11 SCS SB 407 - Hilgemann
- 12 SB 540 - Levin
- 13 HCS SCS SB 619, E.C. - Hoppe
- 14 SB 201 - Farnen
- 15 SB 58 - Wagner
- 16 SB 303 - Relford
- 17 HCS SB 610 - Hoppe
- 18 SCS SB 13 - Ross
- 19 HCS SB 543 - Britt
- 20 SB 556 - Hoppe
- 21 SB 575 - Davis
- 22 HCS SB 304 - Monaco
- 23 SB 406 - Scott
- 24 SCS SB 197 - Luetkenhaus
- 25 SB 148 - Seigfreid
- 26 HCS SB 307 - Froelker
- 27 HCS SB 348 - Barry
- 28 HCS SB 538 - Luetkemeyer

SENATE BILLS FOR THIRD READING

- 1 HCS SB 371 - O'Toole
- 2 HCS SB 462, as amended, HA 8, pending, E.C. - Legan
- 3 HCS SB 125 - Hoppe
- 4 HCS SB 86 - Scott
- 5 HCS SB 319, E.C. - Johnson (61)
- 6 HCS SB 460 - Kennedy
- 7 HCS SB 72 - Smith
- 8 HCS SCS SB 5 & 21 - Kreider
- 9 HCS SCS SB 236, E.C.(Fiscal Review 5-2-01) - Ladd Baker
- 10 SB 123 - Hampton
- 11 SB 416 - Wagner
- 12 SB 500 - Rizzo
- 13 SB 370, HCA 1 - Smith
- 14 SCS SB 290 - Rizzo
- 15 HCS SCS SB 486 & SB 422 - Hoppe
- 16 HCS SS SB 244 - Koller
- 17 HCS SB 365 - Overschmidt

- 18 HCS SCS SB 591 - Hoppe
- 19 HCS SCS SB 617 - Rizzo

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HB 459, E.C. - Liese
- 2 HB 955, SCA 1 - Green (73)
- 3 SCS HB 808 & HB 951, as amended - Smith

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SCS SB 151, (request House recede/grant conf/conferrees exceed differences) - Gaskill
- 2 SS SCS SB 476, 427 & 62, (request House to return to Senate) -

BILLS IN CONFERENCE

- 1 SCS HCS HB 2 - Green (73)
- 2 SCS HCS HB 3 - Green (73)
- 3 SCS HCS HB 4 - Green (73)
- 4 SCS HCS HB 5 - Green (73)
- 5 SCS HCS HB 6, as amended - Green (73)
- 6 SCS HCS HB 7 - Green (73)
- 7 SCS HCS HB 8 - Green (73)
- 8 SCS HCS HB 9 - Green (73)
- 9 SCS HCS HB 10, as amended - Green (73)
- 10 SCS HCS HB 11, as amended - Green (73)
- 11 SCS HCS HB 12 - Green (73)
- 12 SCS HCS HB 13 - Green (73)
- 13 SCS HCS HB 18, as amended - Green (73)
- 14 SCS HCS HB 19 - Green (73)
- 15 SCS HB 491 - George

HOUSE RESOLUTION

HR 229 - Crawford