

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SEVENTY-FOURTH DAY, TUESDAY, MAY 15, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

Oh God, Your ways may be level and smooth, but this House, in its last week in session, is anything but serene. Give these men and women some of Your calmness and sanity. Bid Your angels aid our thought processes, and gather in the nooks and crannies, that the work of this Chamber moves forward to prompt and proper completion.

Let politics play the back seat to moral decision, that our representatives may do any voting based on their inner convictions. Hold this place and all present here in the palm of Your strong and gentle hands. 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: Jamie Crane, Whitney Stipp, Kaylay Isaac, Amy Mundy, Sarah Occhipinto, Sarah Littleton, Melissa Sperry, Pleasants Robinson, Tim Michael, Dustin Veach, Anthony Egger, Korey Lewis, Jessica Church and Brian Schneier.

The Journal of the seventy-third day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 2115 - Representative Relford
- House Resolution No. 2116 - Representative Bearden
- House Resolution No. 2117 - Representatives Vogel and Gratz
- House Resolution No. 2118
- through
- House Resolution No. 2122 - Representative Riback Wilson (25)
- House Resolution No. 2123 - Representative Marble
- House Resolution No. 2124 - Representative Crawford
- House Resolution No. 2125
- through
- House Resolution No. 2128 - Representative Williams
- House Resolution No. 2129 - Representatives O'Toole, Harlan and Mays (50)
- House Resolution No. 2130 - Representative Green (15)
- House Resolution No. 2131
- and
- House Resolution No. 2132 - Representative Fraser

THIRD READING OF SENATE BILL - CONSENT - INFORMAL

SB 556, relating to liquor license for gaming boats, was taken up and placed back on the Informal Calendar.

THIRD READING OF SENATE BILL - INFORMAL

HCS SS SCS SB 369, with HS, as amended, pending, relating to utility access to public rights-of-way, was taken up by Representative Burton.

Representative Relford 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. 369, Page 3, Section 67.1830, Line 20, by inserting after the words "**public right-of-way**" (before the comma) the following:

"**except in the case where the right-of-way user does not provide any direct services within the political subdivision and where the political subdivision may establish or has established a reasonable right-of-way user fee on a competitively neutral and nondiscriminatory basis**"; and

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

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

Which motion was defeated.

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

Representative Burcham raised a point of order that **House Amendment No. 5** amends previously amended material and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Shields 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. 369, Page 5, Section 67.1830, Line 17, by inserting after the word "**noncompliance**", before the comma, the following: "**within the political subdivision as defined by the political subdivision**"; and

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

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

Representative Smith 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. 369, Page 16, Section 67.1840, Line 18, by adding the following after said line:

“5. Each public utility right-of-way shall indicate on each customer bill the number of excavations made by the user within the political subdivisions in the past twelve months.”.

Representative Smith moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

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

Representative Villa assumed the Chair.

Speaker Pro Tem Abel resumed the Chair.

House Amendment No. 7 was withdrawn.

Representative Monaco 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. 369, Page 4, Section 67.1830, Lines 12 and 13, by deleting the following words: **“degradation of the public right of way”**; and

Further amend said bill, Page 6, Section 67.1830, Line 17, by adding after said line the following:

“(i) Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees are paid by all excavators of the right of way including the political subdivision and are dedicated to street replacement.”; and

Further amend said bill, Page 19, Section 67.1846, Line 10 after the period (.), by deleting the word **“Nothing”**; and

Further amend said bill, Page 19, Section 67.1846, Lines 11 and 12, by deleting said lines; and

Further amend said bill, Page 19, Section 67.1846, Line 13, by deleting the words **“degradation fee.”**.

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

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

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 6, Section 67.1830, Line 17, by adding after said line the following:

“(i) Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees are paid by all excavators of the right of way including the political subdivision and are dedicated to street replacement but any degradation fee must be in effect by May 1, 2001.”

On motion of Representative Burton, **House Substitute Amendment No. 1 for House Amendment No. 7** was adopted by the following vote:

AYES: 102

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bearden	Berkstresser	Black	Bland	Boatright
Britt	Brooks	Burcham	Burton	Campbell
Champion	Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Dolan
Enz	Foley	Ford	Froelker	Gambaro
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Harlan	Hartzler	Hegeman	Henderson
Hickey	Hilgemann	Hollingsworth	Holt	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kennedy	King	Lawson	Legan
Levin	Liese	Linton	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mays 50	McKenna	Miller	Moore	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Portwood	Purgason	Rector	Richardson	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Selby	Shields	St. Onge
Surface	Townley	Treadway	Troupe	Van Zandt
Vogel	Wagner	Walton	Willoughby	Wilson 42
Wright	Mr. Speaker			

NOES: 051

Baker	Barnitz	Bartle	Behnen	Berkowitz
Bonner	Boucher	Bowman	Boykins	Bray 84
Byrd	Carnahan	Cierpiot	Coleman	Davis
Dempsey	Fares	Farnen	Franklin	Fraser
Gaskill	Hagan-Harrell	Hampton	Hanaway	Harding
Haywood	Holand	Hosmer	Johnson 61	Kelly 36
Lograsso	Mayer	Merideth	Monaco	Naeger
Phillips	Ransdall	Reid	Reinhart	Relford
Reynolds	Ridgeway	Seigfreid	Shelton	Shoemyer
Skaggs	Smith	Thompson	Villa	Ward
Wilson 25				

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 006

Hohulin	Hoppe	Koller	Murphy	Wiggins
Williams				

VACANCIES: 003

Representative Villa resumed the Chair.

Representative Legan 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. 369, Page 17, Section 67.1842, Lines 21-24, by deleting all of said lines; and

Further amend Page 18, Section 67.1842, Lines 1 and 2, by deleting all of said lines; and

Further amend intersectional references accordingly.

Speaker Pro Tem Abel resumed the Chair.

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

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

Representative Green (73) 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 Hosmer 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. 369, Page 21, Section 67.1846, Line 9, by adding after said line the following:

“67.1848. The provisions of Sections 67.1830 to 67.1846 shall apply to all roads and highways under the jurisdiction of the Missouri Department of Transportation.”; and

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

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

The Chair ruled the point of order not well taken.

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

Which motion was defeated.

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

Representative Green (73) raised a point of order that **House Amendment No. 10** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Monaco 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. 369, Page 21, Section 67.1846, Line 9, by inserting after all of said line the following:

“Section 1. The provisions of sections 67.1830 to 67.1846 shall not apply to any county of the first classification with a charter form of government with a population of more than 600,000 but less than 700,000 inhabitants.”; and

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

Representative Monaco moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

On motion of Representative Burton, **HS HCS SS SCS SB 369, as amended**, was adopted.

On motion of Representative Burton, **HS HCS SS SCS SB 369, as amended**, was read the third time and passed by the following vote:

AYES: 123

Abel	Ballard	Barnett	Barnitz	Barry 100
Bearden	Berkstresser	Bland	Boatright	Boykins
Britt	Burcham	Burton	Campbell	Carnahan
Champion	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Foley
Ford	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler
Hegeman	Henderson	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mays 50	McKenna	Miller	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Portwood	Purgason	Rector	Reid
Reinhart	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	Williams	Willoughby
Wilson 42	Wright	Mr. Speaker		

NOES: 031

Bartelsmeyer	Bartle	Behnen	Berkowitz	Black
Bonner	Boucher	Bowman	Bray 84	Brooks
Byrd	Fares	Farnen	Franklin	Fraser
Harding	Haywood	Hoppe	Hosmer	Kelly 36
Mayer	Merideth	Monaco	Murphy	Phillips
Ransdall	Relford	Reynolds	Seigfreid	Smith
Wilson 25				

PRESENT: 002

Cierpiot Hendrickson

ABSENT WITH LEAVE: 004

Baker Hohulin Linton Wiggins

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

Speaker Kreider assumed the Chair.

Representative Johnson (90) moved that **House Resolution No. 2112** and **House Resolution No. 2113** be printed in the House Journal.

Which motion was adopted.

HOUSE RESOLUTIONS

HOUSE RESOLUTION NO. 2112

WHEREAS, the members of the Missouri House of Representatives occasionally pause in their diverse endeavors near the end of the long, arduous legislative session in order to recognize House employees whose dedication, devotion, and skills have helped to support the democratic processes by which the legislative branch of Show-Me State government functions; and

WHEREAS, on Tuesday, May 15, 2001, the House of Representatives will hold a House Employees Recognition Ceremony in the beautiful and impressive Chamber; and

WHEREAS, Vanessa Fisher, Legislative Assistant to the Honorable Susan Phillips, State Representative from the Thirty-second District, will receive many accolades and honors for Outstanding Customer Service; and

WHEREAS, an exceptional servant to the state of Missouri, Vanessa Fisher is helpful, patient, and always cheerful; and

WHEREAS, with well-deserved reputation as someone with whom it is pleasant to work, Vanessa Fisher always goes beyond the call of duty; and

WHEREAS, Vanessa Fisher has more than twenty years of experience as a Legislative Assistant who knows the ins and outs and her way around many diverse state agencies; and

WHEREAS, although not part of her official job description, Vanessa Fisher is always "on call" to assist other Legislative Assistants who have computer problems or need to work their way through unfamiliar procedures when the Information Systems Office is busy; and

WHEREAS, Vanessa Fisher has a heartfelt call to service and a reputation for courtesy to everyone:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-first General Assembly, join unanimously to applaud the selection of Vanessa Fisher for an Outstanding Customer Service Recognition award and to convey to her this legislative body's heartiest appreciation for her ongoing legacy of work which is always well done; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution in honor of Vanessa Fisher, Legislative Assistant to Representative Susan Phillips.

HOUSE RESOLUTION NO. 2113

WHEREAS, the members of the Missouri House of Representatives occasionally pause in their diverse endeavors near the end of the long, arduous legislative session in order to recognize House employees whose dedication, devotion, and skills have helped to support the democratic processes by which the legislative branch of Show-Me State government functions; and

WHEREAS, on Tuesday, May 15, 2001, the House of Representatives will hold a House Employees Recognition Ceremony in the beautiful and impressive Chamber; and

WHEREAS, Sharon Bertels, Constituent Information Specialist in the House Publications Office, will receive many accolades and honors for Outstanding Customer Service; and

WHEREAS, exemplifying an employee who provides outstanding service to the House and to the state of Missouri, Sharon Bertels is known for possessing an enormous amount of patience and perseverance in dealing with ever-changing minds and ideas; and

WHEREAS, with a quiet and calm response to any verbal communication directed her way, Sharon Bertels always has a smile, polite demeanor, and spirit of kindness for others; and

WHEREAS, Sharon Bertels' personal initiative and motivation challenge her colleagues to always do their best; and

WHEREAS, helping out whenever and wherever she is needed, Sharon Bertels is willing to devote herself to extra long hours to get her assigned duties and responsibilities done correctly; and

WHEREAS, going out of her way to learn the complete process necessary to find methods to improve and save time and money, Sharon Bertels is willing to let her service to the House extend well beyond her job description:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-first General Assembly, join unanimously to applaud the selection of Sharon Bertels for an Outstanding Customer Service Recognition award and to convey to her this legislative body's heartiest appreciation for her ongoing legacy of work which is always well done; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution in honor of Sharon Bertels, Constituent Information Specialist in the House Publications Office.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 262**, entitled:

An act to amend chapter 160, RSMo, by adding thereto one new section, relating to certain public school records.

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

Senate Committee Amendment No. 1

AMEND House Bill No. 262, Page 1, Section 160.067, Line 7, by inserting immediately before the word “No” the following: “**Except as otherwise provided by federal law,**”.

Senate Amendment No. 2

AMEND House Bill No. 262, Page 2, Section 160.067, Line 15, by inserting immediately after said line the following:

“162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND House Bill No. 262, Page 2, Section 160.067, Line 15, by inserting immediately after said line the following:

“610.033. In addition to the restrictions on the release of education records provided by the federal Family Educational Rights and Privacy Act, an institution of higher education may, without a subpoena or court order, disclose to a parent or legal guardian of a student information regarding a student's violation of any federal, state or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, only if (a) the student is under the age of twenty-one at the time of disclosure; (b) the institution has determined that the student has committed a disciplinary violation with respect to such use or possession; and (c) either the student demonstrates that he or she is not financially dependent on his or her parent or legal guardian as defined in Section 152 of the federal Internal Revenue Code of 1954 or the student has signed and filed with the institution a consent form permitting such disclosure.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1

to

Senate Amendment No. 4

AMEND Senate Amendment No. 4 to House Bill No. 262, Page 2, Section 451.040, Subsection 2, Line 7, by deleting the words: “upon the expiration of three days after the receipt of the application”; and

Further amend said line, by capitalizing the word “**the**” after the word “application” on said line.

Senate Amendment No. 4

AMEND House Bill No. 262, Page 1, In the Title, Lines 2 and 3, by striking both of said lines and inserting in lieu thereof the following:

“To repeal sections 451.022 and 451.040, RSMo 2000, relating to certain public records, and to enact in lieu thereof three new sections relating to the same subject.”; and

Further amend said bill and page, Section A, Lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

“Section A. Sections 451.022 and 451.040, RSMo 2000, are repealed, and three new sections enacted in lieu thereof, to be known as sections 160.067, 451.022 and 451.040, to read as follows:”; and

Further amend said bill, Page 2, Section 160.067, Line 15, by inserting after said line the following:

“[451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman.]

451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman.

4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.

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 shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each applicant 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.”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 72, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 236, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 274**: Senators Caskey, Kenney, Foster, Jacob and Gross.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 460, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 22**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 23**.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 319**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on House Committee Substitute for Senate Bill No. 319, with House Amendment Nos. 1 and 3, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 319, as amended;
2. That the Senate recede from its position on Senate Bill No. 319;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 319 be Truly Agreed To and Finally Passed.

FOR THE HOUSE:

/s/ Connie Johnson (61)
/s/ Randall Relford
/s/ Richard Franklin
/s/ Peter Myers
/s/ Charlie Shields

FOR THE SENATE:

/s/ Mary Bland
/s/ Steve Stoll
/s/ Roseann Bentley
/s/ Anita Yeckel
/s/ Bill Kenney

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 302 & 38**

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

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38, as amended;

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

FOR THE HOUSE:

/s/ Rep. Craig Hosmer
/s/ Rep. Phillip Britt
/s/ Rep. Gary Kelly
/s/ Rep. Robert Mayer
/s/ Rep. Sam Gaskill

FOR THE SENATE:

/s/ Sen. Morris Westfall
/s/ Sen. Marvin Singleton
/s/ Sen. David Klarich
/s/ Sen. Ted House
/s/ Sen. Harold Caskey

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 274**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on House Committee Substitute for Senate Bill No. 274, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 274;
2. That the Senate recede from its position on Senate Bill No. 274;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 274 be Truly Agreed To and Finally Passed.

FOR THE HOUSE:

/s/ Tim Harlan
/s/ Meg Harding
/s/ Jenee' Lowe
/s/ James Froelker
/s/ Charles Portwood

FOR THE SENATE:

/s/ Harold Caskey
/s/ Bill Kenney
/s/ Bill Foster
/s/ Ken Jacob
/s/ Chuck Gross

On motion of Representative Crump, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 2133 - Representative Surface
- House Resolution No. 2134 - Representative Legan
- House Resolution No. 2135 - Representative Kelley (47)
- House Resolution No. 2136
- and
- House Resolution No. 2137 - Representative Griesheimer
- House Resolution No. 2138 - Representative Villa
- House Resolution No. 2139 - Representatives Williams and Berkstresser
- House Resolution No. 2140 - Representative Hanaway
- House Resolution No. 2141 - Representative Johnson (61)
- House Resolution No. 2142 - Representative Wilson (42)
- House Resolution No. 2143 - Representative Coleman
- House Resolution No. 2144
- through
- House Resolution No. 2147 - Representative Scott
- House Resolution No. 2148 - Representative Secrest
- House Resolution No. 2149 - Representative Copenhaver
- House Resolution No. 2150 - Representative Copenhaver, et al
- House Resolution No. 2151 - Representatives Copenhaver and Seigfreid
- House Resolution No. 2152
- through
- House Resolution No. 2155 - Representative Boucher

COMMITTEE REPORT

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

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **SCS SB 387 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILL - CONSENT - INFORMAL

SB 556, relating to liquor license for gaming, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **SB 556** was truly agreed to and finally passed by the following vote:

AYES: 098

Abel	Baker	Barry 100	Behnen	Berkowitz
Berkstresser	Bland	Bonner	Boucher	Bowman
Britt	Burcham	Byrd	Campbell	Carnahan
Clayton	Coleman	Copenhaver	Crump	Curls
Davis	Dempsey	Dolan	Fares	Farnen
Foley	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Johnson 61	Johnson 90	Kelly 27	Kennedy	King
Lawson	Legan	Liese	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	McKenna	Merideth	Monaco
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Reinhart
Reynolds	Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Selby	Shelton	Shields
Surface	Thompson	Townley	Treadway	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 055

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Black	Boatright	Boykins	Brooks
Champion	Cooper	Crawford	Crowell	Cunningham
Enz	Ford	Franklin	Hampton	Hendrickson
Hosmer	Hunter	Jetton	Jolly	Kelley 47
Kelly 144	Kelly 36	Koller	Levin	Linton
Long	Marble	Marsh	May 149	Mayer
Miller	Moore	Murphy	Purgason	Ransdall
Rector	Reid	Relford	Roark	Schwab
Scott	Secrest	Seigfreid	Shoemyer	Skaggs
Smith	St. Onge	Troupe	Willoughby	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84	Burton	Cierpiot	Hanaway	Mays 50
Wiggins	Williams			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 453, as amended, relating to environmental commissions, was taken up by Representative Ransdall.

Representative Ransdall moved that the House refuse to adopt **SS SCS HB 453, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

HB 621, with Senate Committee Amendment No. 1 and Senate Amendment No. 1, relating to the penitentiary redevelopment commission, was taken up by Representative Gratz.

Representative Gratz moved that the House refuse to concur in **Senate Committee Amendment No. 1 and Senate Amendment No. 1** to **HB 621** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 241, as amended, relating to trusts, was taken up by Representative Smith.

Representative Smith moved that the House refuse to adopt **SCS HCS HB 241, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

HS HCS SB 460, as amended, relating to sales/use tax, was taken up by Representative Kennedy.

Representative Kennedy moved that the House refuse to recede from its position on **HS HCS SB 460, as amended**, and grant the Senate a conference.

Which motion was adopted.

HS HCS SB 72, as amended, relating to electronic storage of records, was taken up by Representative Smith.

Representative Smith moved that the House refuse to recede from its position on **HS HCS SB 72, as amended**, and grant the Senate a conference.

Which motion was adopted.

HS HCS SCS SB 236, as amended, relating to public assistance programs, was taken up by Representative Ladd Baker.

Representative Ladd Baker moved that the House refuse to recede from its position on **HS HCS SCS SB 236, as amended**, and request the Senate take up and pass the bill.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

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

HS HCS SB 460: Representatives Kennedy, Hosmer, Smith, Hegeman and Dolan

HS HCS SB 72: Representatives Smith, Scheve, Foley, Richardson and Dempsey

THIRD READING OF SENATE BILL

SB 500, relating to job training, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **SB 500** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	George	Graham	Gratz
Green 15	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	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bartelsmeyer	Black	Cierpiot	Gaskill	Green 73
Lograsso	St. Onge	Wiggins		

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

THIRD READING OF SENATE BILL - INFORMAL

HCS SCS SB 266, relating to the Department of Health programs, was taken up by Representative Barry.

Representative Barry offered **HS HCS SCS SB 266**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 4, Section 191.714, Lines 2 to 11, by deleting all of said lines and inserting in lieu thereof the following:

"5. An evaluation committee established pursuant to this section shall consist of at least five members but no more than ten members. At least half of the members of the committee shall be frontline health care workers at such facility from a variety of occupational classifications and departments, including but not limited to nurses, nurse aides, technicians, phlebotomists and physicians, who shall be selected by the facility to advise the employer on the implementation of the requirements of this section. In facilities where there are one or more representatives certified by the state board of mediation to represent frontline healthcare workers at such facility, the facility shall consult with such representatives as to the composition and membership of the committee. All members of the committee shall be trained in the proper method of utilizing product evaluation criteria prior to the commencement of any product evaluation. Committee members shall serve two-year terms, with the initial terms beginning thirty days after the formation of such committee and the subsequent terms beginning every two years thereafter. Vacancies on the committee shall be filled for the remainder of the term by the facility in the same manner as was used to appoint the vacating member. Members may serve consecutive terms. Members shall not be given additional compensation for their duties on such committee."

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

Speaker Kreider resumed the Chair.

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Pages 8-13, Section 191.940, by deleting all of said section and inserting in lieu thereof the following:

"191.940. 1. For the purposes of this section the following terms mean:

(1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to

the individual to whom such information pertains;

(2) “Federal Privacy Rules”, the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164;

(3) “Health Information”, any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual;

(4) “Licensee”, all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(5) “nonpublic personal health information”, health information;

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(6) “Person”, without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, a governmental agency or any other entity.

2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person’s authorized representative, if:

(1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family or household purposes;

(b) To facilitate an employer’s employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family or household purposes; or

(d) Unrelated to the business, practice or service offered by the disclosing person or entity.

(3) Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty under this section may be assessed by a state agency responsible for regulating the person or by the attorney general.

5. In addition to the penalties provided in subsection 4 of this section, any person that violates this section shall be subject to civil action for damages or equitable relief.

6. To the extent a person other than a licensee is subject to and complies with all requirements of the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the “federal privacy rules”), such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed to be in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

8. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled “Privacy of Consumer Financial and Health Information

Regulation”, the licensee shall be deemed to be in compliance with this section.

9. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

10. The provisions of this act do no apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Sec. 1692 et seq. to the extent these entities are engaged in activities regulated by these federal acts.

11. The provisions of this act do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer or exchange.

12. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as unfair practices pursuant to sections 375.930 to 375.948, RSMo.

13. There shall be established a “Commission on Health Information Privacy” to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information, after which the commission shall expire.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.

(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties.”.

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 23, Section 376.1199, Line 3, by inserting after all of said line the following:

"376.1290. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall offer coverage for testing pregnant women for lead poisoning and for all testing for lead poisoning authorized by sections 701.340 to 701.349, RSMo, or by rule of the department of health promulgated pursuant to sections 701.340 to 701.349, RSMo.

2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section shall reduce or eliminate coverage as a result of the requirements of this section.

4. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

701.322. Upon request of a physician, health care facility or third-party insurer, the department may provide laboratory services for tests related to contagious or infectious diseases. The department may conduct laboratory testing of blood specimens for lead content on behalf of a physician, hospital, clinic, free clinic, municipality or private organization which cannot secure or provide such services through other sources. The department of health may charge a fee for laboratory services rendered [under] **pursuant to** this section. [Such] **Fees for tests related to contagious or infectious diseases** shall be deposited in a separate account in the Missouri public health services fund, created in section 192.900, RSMo, and funds in such account shall be used to provide laboratory testing services by the department.

Fees for laboratory testing of blood specimens for lead content shall be deposited in the childhood lead testing fund created in section 701.345, RSMo.

701.326. 1. The department of health shall establish and maintain a lead poisoning information reporting system which shall include a record of lead poisoning cases which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic studies of lead poisoning in this state and to evaluate the appropriateness of lead abatement programs.

2. The director of the department of health shall promulgate rules and regulations specifying the level of lead poisoning which shall be reported and any accompanying information to be reported in each case. Such information may include the patient's name, **full residence** address, **and** diagnosis, **including the blood lead level. Such information may include** pathological findings, the stage of the disease, environmental and known occupational factors, method of treatment and other relevant data from medical histories. Reports of lead poisoning shall be filed with the director of the department of health within a period of time specified by the director. The department shall prescribe the form and manner in which the information shall be reported.

3. The attending health care professional of any patient with lead poisoning shall provide to the department of health the information required pursuant to this section.

4. When a case of lead poisoning is reported to the director, the director shall inform such local boards of health, public health agencies, and other persons and organizations as the director deems necessary; provided that, the name of any child contracting lead poisoning shall not be included unless the director determines that such inclusion is necessary to protect the health and well-being of the affected individual.

701.328. 1. The department of health shall protect the identity of the patient and physician involved in the reporting required by sections 701.318 to [701.330] **701.349**. Such identity shall not be revealed except that the identity of the patient shall be released only upon written consent of the patient. The identity of the physician shall be released only upon written consent of the physician.

2. The department may release without consent any information obtained pursuant to sections 701.318 to [701.330] **701.349**, including the identities of certain patients or physicians, when the information is necessary for the performance of duties by public employees within, or the legally designated agents of, any state or local agency, department or political subdivision, but only when such employees and agents need to know such information to perform their public duties.

3. The department shall use or publish reports based upon materials reported pursuant to sections 701.318 to [701.330] **701.349** to advance research, education, treatment and lead abatement. **The department shall geographically index the data from lead testing reports to determine the location of areas of high incidence of lead poisoning.** The department shall provide qualified researchers with data from the reported information upon the researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

701.340. 1. Beginning January 1, 2002, the department of health shall, subject to appropriations, implement a childhood lead testing program which requires every child less than six years of age to be tested for lead poisoning in accordance with the provisions of sections 701.340 to 701.349. In coordination with the department of health, every health care facility serving children less than six years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, RSMo, shall take appropriate steps to ensure that their patients receive such lead poisoning testing.

2. The test for lead poisoning shall consist of a blood sample that shall be sent for analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act (CLIA). The department of health shall, by rule, determine the blood test protocol to be used.

3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing in a written statement that states the parent's or guardian's reason for refusing such testing.

701.342. 1. The department of health shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

6. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead poisoned child.

701.343. The department of health shall have the following duties regarding the childhood lead testing program:

(1) By January 1, 2002, the department shall develop an educational mailing to be sent to every physician licensed by and practicing in this state informing such physician of the childhood lead testing program and the responsibilities of physicians pursuant to such program;

(2) The department of health shall, by January 1, 2002, develop guidelines, educational materials and a questionnaire to be used by physicians to determine whether pregnant women are at high risk and should be tested for lead poisoning;

(3) The department shall apply for, take all steps necessary to qualify for and accept any federal funds made available or allotted pursuant to any federal act or program for state lead poisoning prevention programs;

(4) The director of the department of health or the director's designee may, subject to appropriations, contract with a public agency or a university, or collaborate with any agencies, individuals or groups to provide necessary services, develop educational programs, scientific research and organization, and interpret data from lead testing reports;

(5) The department shall promulgate such rules as may be necessary; and

(6) Beginning January 1, 2003, and every January first thereafter, the department of health shall submit a report evaluating the childhood lead testing program as set forth in sections 701.340 to 701.349 to the governor and the following committees of the Missouri legislature: senate appropriations committee, senate public health and welfare committee, house appropriations - health and mental health committee and house public health committee.

701.344. 1. In geographic areas determined to be of high risk for lead poisoning as set forth in section 701.342, every child care facility, as defined in section 210.201, RSMo, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test or provide a written statement that states the parent's or guardian's reason for refusing such testing. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent

or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.345. 1. There is hereby created in the state treasury the "Childhood Lead Testing Fund". The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources related to lead testing, education and screening. The general assembly may appropriate moneys to the fund for the support of the childhood lead testing program established in sections 701.340 to 701.349. The moneys in the fund shall be used to fund the administration of childhood lead programs, the administration of blood tests to uninsured children, educational materials and analysis of lead blood test reports and case management.

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

701.346. The department of health shall promulgate rules to implement the provisions of sections 701.340 to 701.349. No rule or portion of a rule promulgated under the authority of sections 701.340 to 701.349 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

701.348. Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision of this state or a local board of health from enacting and enforcing ordinances, rules or laws for the prevention, detection and control of lead poisoning which provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules promulgated thereunder.

701.349. If any provisions of sections 701.340 to 701.349, or the application thereof, to any persons or circumstances is held invalid, such validity shall not affect other provisions or applications of sections 701.340 to 701.349 that can be given effect without the invalid provision or application, and to this end the provisions of sections 701.340 to 701.349 are declared to be severable."; and

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

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

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 23, Section 376.1199, Line 3 of said page, by inserting after all of said line the following:

"632.080. 1. Any clinic, physician's office, mental hospital or facility administering electroconvulsive therapy, psychosurgery, prefrontal sonic sound treatment or any other convulsive or coma-producing therapy administered to treat mental illness or a physician administering the therapy on an outpatient basis shall submit to the department of health quarterly reports relating to the administration of the therapy in the clinic, office, hospital or facility or by the physician.

2. The report shall state for each quarter:

(1) The number of patients who received the therapy, including:

(a) The number of persons voluntarily receiving mental health services who consented to the therapy;

(b) The number of involuntary patients who consented to the therapy; and

(c) The number of involuntary patients for whom a guardian of such patient consented to the therapy;

(2) The age, sex and race of the person receiving the therapy;

(3) The source of the treatment payment;

(4) The average number of nonelectroconvulsive treatments;

(5) The average number of electroconvulsive treatments administered for each complete series of treatments, but not including maintenance treatments;

- (6) The average number of maintenance electroconvulsive treatments administered per month;
- (7) The number of fractures, reported memory losses, incidents of apnea and cardiac arrests without death;
- (8) Autopsy findings if death occurred within fourteen days after the date of the administration of therapy; and
- (9) Any other information required by the department.

3. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

632.082. The department of health shall use the information received pursuant to section 632.080 to analyze, audit and monitor the use of electroconvulsive therapy, psychosurgery, prefrontal sonic sound treatment or any other convulsive or coma-producing therapy administered to treat mental illness.

632.084. 1. The change in law made by sections 632.080 to 632.084 applies only to an offense committed on or after August 28, 2001. For purposes of this section, an offense is committed before August 28, 2001, if any element of the offense occurs before such date.

2. An offense committed before August 28, 2001, is covered by the law in effect when the offense was committed and the former law is continued in effect for that purpose."; and

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

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

The Chair ruled the point of order not well taken.

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

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

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

The Chair ruled the point of order well taken.

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, by inserting at the appropriate location the following:

"191.975. 1. This section shall be known and may be cited as the "Adoption Awareness Law".

2. To raise public awareness and to educate the public, the department of social services, with the assistance of the department of health, shall be responsible for:

- (1) Collecting and distributing resource materials to educate the public about foster care and adoption;
- (2) Developing and distributing educational materials, including but not limited to videos, brochures and other media as part of a comprehensive public relations campaign about the positive option of adoption and foster care. The materials shall include, but not be limited to, information about:

- (a) The benefits of adoption and foster care;
- (b) Adoption and foster care procedures;
- (c) Means of financing the cost of adoption and foster care, including but not limited to adoption subsidies, foster care payments and special needs adoption tax credits;
- (d) Options for birth parents in choosing adoptive parents;

- (e) Protection for and rights of birth parents and adoptive parents prior to and following the adoption;
 - (f) Location of adoption and foster care agencies;
 - (g) Information regarding various state health and social service programs for pregnant women and children, including but not limited to medical assistance programs and temporary assistance for needy families (TANF); and
 - (h) Referrals to appropriate counseling services, including but not be limited to counseling services for parents who are considering retaining custody of their children, placing their children for adoption, or becoming foster or adoptive parents; but excluding any referrals for abortion or to abortion facilities;
- (3) Making such educational materials available through state and local public health clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015, RSMo, maternity homes as defined in section 135.600, RSMo, child-placing agencies licensed pursuant to sections 210.481 to 210.536, RSMo, attorneys whose practice involves private adoptions, in vitro fertilization clinics and private physicians for distribution to their patients who request such educational materials. Such materials shall also be available to the public through the department of social services' Internet web site; and
- (4) Establishing a toll-free telephone number for information on adoption and foster care.
3. The provisions of this section shall be subject to appropriations.
4. The department of social services shall promulgate rules for the implementation of this section in accordance with chapter 536, RSMo."; and

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

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

The Chair ruled the point of order not well taken.

On motion of Representative Berkowitz, **House Amendment No. 5** was adopted by the following vote:

AYES: 138

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Black
Bland	Boatright	Bonner	Bowman	Boykins
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	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott

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Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa
Vogel	Wagner	Walton	Ward	Willoughby
Wilson 42	Wright	Mr. Speaker		

NOES: 008

Bray 84	Fraser	Harlan	Hollingsworth	Mays 50
Relford	Williams	Wilson 25		

PRESENT: 002

Hohulin Johnson 61

ABSENT WITH LEAVE: 012

Baker	Ballard	Berkstresser	Boucher	Franklin
Green 73	Holand	Kelly 27	Long	O'Toole
Van Zandt	Wiggins			

VACANCIES: 003

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

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

The Chair ruled the point of order well taken.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, by inserting at the appropriate location the following:

“Section 4. If a health carrier as defined in section 376.1350 RSMo, or any subsidiary of such entity contracts with any licensed health care professional for any fee below the usual, customary and reasonable rate of reimbursement, such health insurance carrier as defined in section 376.1350 RSMo, or any subsidiary of such entity shall be prohibited from charging such health care professionals additional administrative or claim processing fees.”; and

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

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

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

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, by adding one new section in the appropriate location:

“**196.367. Effective July 1, 2005, any manufacturer or distributor shall be exempted from the provisions of sections 196.365 to 196.445 if the manufacturer satisfies all applicable Food and Drug Administration regulations.**”; and

Further amend the title and enacting clause accordingly.

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

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Pages 1-5, Section 191.714, by deleting said section and amending the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Amendment No. 8** amends previously amended material.

The Chair ruled the point of order not well taken.

Representative Hohulin moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Riback Wilson (25) offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 13, Section 192.729, Line 24, by inserting after said line all of the following:

“198.531. 1. The division of aging, in collaboration with qualified Missouri schools and universities, shall establish an aging-in-place pilot program at a maximum of four selected sites throughout the state which will provide a continuum of care for elders who need long-term care. [One aging- in-place pilot program shall be at a thirty-five bed facility in a county of the first classification without a charter form of government with a population of at least ninety thousand but not more than one hundred thousand and a county of the first classification with a population of at least forty-two thousand but less than forty-five thousand and a county of the third classification without a township form of government with a population of at least sixteen thousand nine hundred but less than seventeen thousand.] For purposes of this section, "qualified Missouri schools and universities" means any Missouri school or university which has a school of nursing, a graduate nursing program, or any other similar program or specialized expertise in the areas of aging, long-term care or health services for the elderly.

2. The pilot program shall:

- (1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;
- (2) Base licensure on services provided rather than on facility type; and
- (3) Be established in selected urban, rural and regional sites throughout the state.

3. The directors of the division of aging and division of medical services shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.

4. The division of aging shall monitor the pilot program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.

5. Developments authorized by this section shall be exempt from the provisions of sections 197.300 to 197.367, RSMo, and shall be licensed by the division of aging.”; and

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

On motion of Representative Riback Wilson (25), **House Amendment No. 9** was adopted.

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

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 1, Section A, Line 13, by inserting after said line all of the following:

"191.660. 1. If a corrections officer, emergency services employee, health care provider or employee of a health care provider, law enforcement employee or juvenile correctional facility employee comes in contact with or otherwise is exposed to transmission of body fluids from one or more other persons while performing duties within the scope of such employee's duties as an employee, the employee or head of the employing agency or entity may petition a court of competent jurisdiction for an emergency order requiring such other person or persons to submit to infectious disease testing within twenty-four hours of the exposure.

2. The petition in subsection 1 of this section shall include an allegation that the person or persons sought to be tested have been requested to submit voluntarily to infectious disease tests and have refused such tests. When any such application is received, the court shall hold a hearing and shall issue its order thereon immediately to ensure that such testing can occur within twenty-four hours of the exposure if the court finds that:

(1) There is probable cause to believe that the employee involved has come in contact with or otherwise has been exposed to transmission of the body fluids of the person or persons sought to be tested; and

(2) The person or persons sought to be tested have been requested to submit to the tests and have refused, unless the court makes a further finding that exigent circumstances exist which, in the court's judgment, would excuse the applicant from making such a request.

3. If an infectious disease test ordered pursuant to this section results in a negative reaction, the court shall order the person tested to submit to another infectious disease test six months from the date the first test was administered.

4. The results of any infectious disease test ordered pursuant to this section shall be disclosed to the court which ordered the test, the employee and the person tested. If an infectious disease test ordered pursuant to this section results in a positive reaction, the results shall be reported to the employee.”; and

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

Representative Hollingsworth assumed the Chair.

Representative Kennedy 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 Committee Substitute for Senate Bill No. 266, by inserting in the appropriate location the following:

"191.660. 1. If a corrections officer, emergency services employee, health care provider or employee of a health care provider, law enforcement employee or juvenile correctional facility employee comes in contact with or otherwise is exposed to transmission of body fluids from one or more other persons while performing duties within the scope of such employee's duties as an employee, the employee or head of the employing agency or entity may petition a court of competent jurisdiction for an emergency order requiring such other person or persons to submit to infectious disease testing within twenty-four hours of the exposure.

2. The petition in subsection 1 of this section shall include an allegation that the person or persons sought to be tested have been requested to submit voluntarily to infectious disease tests and have refused such tests. When any such application is received, the court shall hold a hearing and shall issue its order thereon immediately to ensure that such testing can occur within twenty-four hours of the exposure if the court finds that:

(1) There is probable cause to believe that the employee involved has come in contact with or otherwise has been exposed to transmission of the body fluids of the person or persons sought to be tested; and

(2) The person or persons sought to be tested have been requested to submit to the tests and have refused, unless the court makes a further finding that exigent circumstances exist which, in the court's judgment, would excuse the applicant from making such a request.

3. If an infectious disease test ordered pursuant to this section results in a negative reaction, the court shall order the person tested to submit to another infectious disease test six months from the date the first test was administered.

4. The results of any infectious disease test ordered pursuant to this section shall be disclosed to the employee and the person tested. If an infectious disease test ordered pursuant to this section results in a positive reaction, the results shall be reported to the employee.

5. Any court costs or testing costs incurred pursuant to this section shall be borne by the petitioner."; and

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

Representative Kennedy moved that **House Substitute Amendment No. 1 for House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 028

Barnitz	Barry 100	Berkowitz	Bowman	Boykins
Brooks	Copenhaver	Curls	Davis	Farnen
Franklin	Hagan-Harrell	Hendrickson	Hickey	Hilgemann
Hollingsworth	Kennedy	Lawson	Lowe	O'Connor
Relford	Rizzo	Scheve	Skaggs	Villa
Walton	Williams	Wilson 25		

NOES: 116

Abel	Ballard	Barnett	Bartelsmeyer	Bartle
Bearden	Behnen	Black	Bland	Boatright
Bonner	Boucher	Britt	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Crawford	Crowell

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Crump	Cunningham	Dempsey	Dolan	Enz
Fares	Ford	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Griesheimer	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hohulin	Holand
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Koller	Legan	Levin
Liese	Linton	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Smith
St. Onge	Surface	Thompson	Townley	Van Zandt
Vogel	Wagner	Willoughby	Wilson 42	Wright
Mr. Speaker				

PRESENT: 001

Ward

ABSENT WITH LEAVE: 015

Baker	Berkstresser	Bray 84	Foley	Green 73
Harlan	Johnson 61	Lograsso	Long	Monaco
O'Toole	Ostmann	Treadway	Troupe	Wiggins

VACANCIES: 003

On motion of Representative Cooper, **House Amendment No. 10** was adopted by the following vote:

AYES: 133

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelmeyer	Bartle	Bearden	Behnen	Berkowicz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Britt	Burcham
Burton	Byrd	Champion	Cierpiot	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Froelker	Gambaro	Gaskill	Graham	Gratz
Griesheimer	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Linton	Lograsso	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	McKenna	Merideth
Miller	Moore	Murphy	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	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Villa	Vogel	Wagner	Walton	Ward
Willoughby	Wright	Mr. Speaker		

NOES: 016

Bray 84	Campbell	Carnahan	Franklin	Fraser
George	Green 15	Harlan	Hickey	Kelly 27
Lowe	Mays 50	Van Zandt	Williams	Wilson 25
Wilson 42				

PRESENT: 002

Brooks Hilgemann

ABSENT WITH LEAVE: 009

Baker	Ford	Green 73	Hagan-Harrell	Long
Monaco	Ostmann	Troupe	Wiggins	

VACANCIES: 003

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

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 13, Section 192.729, Line 24, by inserting after said line the following:

"194.210. As used in sections 194.210 to [194.290] **194.307**, the following words and terms mean:

(1) **"Anatomical donation" or "anatomical donor", a human body part donation or a human body part donor;**

(2) **"Bank or storage facility", a facility licensed, accredited, or approved [under] pursuant to the laws of any state for storage of human bodies or parts thereof;**

[(2)] (3) **"Decedent", a deceased individual and includes a stillborn infant or fetus;**

(4) **"Donee":**

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

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

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

(d) **Any specified individual for therapy or transplantation needed by such individual;**

[(3)] (5) **"Donor", an individual who makes a gift of all or part of his or her body;**

(6) **"Fund", the organ donor program fund established in section 194.297;**

[(4)] (7) **"Hospital", a hospital licensed, accredited, or approved [under] pursuant to the laws of any state and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed [under] pursuant to state laws;**

(8) **"OPO", the federally certified organ procurement organizations for the state of Missouri;**

[(5)] (9) **"Part", organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body;**

[(6)] (10) **"Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;**

[(7)] (11) **"Physician" or "surgeon", a physician or surgeon licensed or authorized to practice [under] pursuant**

to the laws of any state;

[(8)] (12) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

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

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

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

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

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

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

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

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

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

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

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

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

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

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

194.233. 1. [The chief executive officer of each hospital in this state shall designate one or more trained persons to request anatomical gifts which persons shall not be connected with determination of death. The hospital official may designate a representative of an organ or tissue procurement organization to request consent.

2. When there is a patient who is a suitable candidate for organ or tissue donation based on hospital accepted criteria the designee shall request consent to a donation from the persons authorized to give consent as specified in subdivision (1), (2), (3), (4), (5) or (6) of subsection 2 of section 194.220. The request shall be made in the order of priority stated in subsection 2 of section 194.220. When the hospital cannot, from available information, ascertain that the patient has next-of-kin authorized to give consent as specified in subdivision (2), (3), (4), (5) or (6) of subsection 2 of section 194.220, then the hospital shall notify and request consent to a donation from a member of the class described in subdivision (7) of subsection 2 of section 194.220. Such notification to a member of the class described in subdivision (7) of subsection 2 of section 194.220 shall occur before death where practicable.

3. No request shall be required if the hospital designee has actual notice of a gift by the decedent under subsection 1 of section 194.220 or actual notice of contrary indications by the decedent.

4. Consent shall be obtained by the methods specified in section 194.240.

5. Where a donation is requested, the designee shall verify such request in the patient's medical record. Such verification of request for organ donation shall include a statement to the effect that a request for consent to an anatomical gift has been made, and shall further indicate thereupon whether or not consent was granted, the name of

the person granting or refusing the consent, and his or her relationship to the decedent.

6. Upon the approval of the designated next of kin or other individual, as set forth in subsection 2 of section 194.220, the hospital shall then notify an organ or tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts pursuant to applicable provisions of sections 194.210 to 194.290.

7. No hospital shall have an obligation to retrieve the organ or tissue donated pursuant to this section.] **At or near the time of death of any patient in a hospital, the attending physician or hospital designee shall make contact with the OPO to determine the suitability for organ, tissue and eye donation for any purpose specified pursuant to sections 194.210 to 194.307. Such contact and the disposition shall be noted in the patient's medical record.**

2. The person designated by the hospital to contact the OPO shall have the following information available:

- (1) The patient's name and identifier number;**
- (2) The patient's age;**
- (3) Anticipated cause of death;**
- (4) Past medical history; and**
- (5) Other pertinent medical information.**

3. The OPO, in consultation with the patient's attending physician, or such physician's designee or the hospital's designee, shall determine suitability for donation. Such determination shall be made prior to the initiation of any request of the persons identified pursuant to section 194.220 for anatomical donation.

4. If the OPO determines that donation is not appropriate based on established medical criteria, such determination shall be noted by hospital personnel in the patient's record and no further action shall be necessary.

5. If the OPO determines that the patient is a suitable candidate for anatomical donation, a request shall be initiated by informing the appropriate persons of the option to donate organs, tissue or eyes. The request for anatomical donation shall be made by a representative of the OPO in consultation with the attending physician or the hospital designee. In those cases where the attending physician desires to approach the family to discuss organ or tissue donation, he or she may do so when accompanied by a representative of the OPO. The person making the request shall ask persons pursuant to section 194.220, whether the deceased had a validly executed donor card, will, other document or gift, driver's license or identification card evidencing an anatomical gift. If there is no such evidence of an anatomical gift, the person designated pursuant to section 194.220 shall be informed in accordance with sections 194.210 to 194.307 of the option to donate organs, tissue or eyes.

6. Within one year of the effective date of this section, each hospital in the state shall develop and implement a protocol for referring potential anatomical donors as provided in this section. The protocol shall require that, at or near the time of death of any patient, the hospital shall contact by telephone the OPO to determine suitability for anatomical donation of the potential donor. The protocol shall encourage discretion and sensitivity to family circumstances and beliefs in all discussions regarding donations of organs, tissue or eyes.

7. If the hospital staff advises the OPO that the hospital staff has received actual notice that the decedent did not wish to be an anatomical donor, the gift of all or any part of the decedent's body shall not be requested.

8. Death medical record reviews shall be performed in each hospital for the sole purpose of determining anatomical donor potential at the hospital. The hospital may perform the medical record review or may designate the OPO to conduct the review. If the hospital chooses to conduct its own review, it shall do so in accordance with clinical specifications and guidelines established by the OPO. If the hospital conducts the review, the OPO shall provide the necessary training to hospital personnel conducting the review. The hospital shall report the results of the review to the OPO no later than forty-five days following the completion of the review. If the hospital designates the OPO to conduct the review, the OPO shall provide the hospital with written assurance that the OPO shall maintain the confidentiality of patient identifying information.

194.240. 1. A gift of all or part of the body [under] pursuant to subsection 1 of section 194.220 may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

2. A gift of all or part of the body [under] pursuant to subsection 1 of section 194.220 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign

the document in [his] **the donor's** presence or before a notary or other official authorized to administer oaths generally. If the donor cannot sign, the document may be signed for [him] **the donor** at [his] **the donor's** direction and in [his] **the donor's** presence in the presence of two witnesses who must sign the document in [his] **the donor's** presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

3. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by a physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death or if the gift cannot be implemented, a physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee [under] **pursuant to** this subsection shall not participate in the procedures for removing or transplanting a part.

4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may designate in his **or her** will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician to carry out the appropriate procedures. For the purpose of removing an eye or part thereof, any medical technician employed by a hospital, physician or eye bank and acting under supervision may perform the appropriate procedures. Any medical technician authorized to perform such procedure shall successfully complete the course prescribed in section 194.295 for embalmers.

5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by a document signed by him **or her** or made by his **or her** telegraphic, recorded telephonic, or other recorded message.

6. A gift of part of the body [under] **pursuant to** subsection 1 of section 194.220 may also be made by a statement on a form which shall be provided on the reverse side of all Missouri motor vehicle licenses issued pursuant to chapter 302, RSMo. The statement to be effective shall be signed by the owner of the license in the presence of two witnesses, who shall sign the statement in the presence of the donor. Use of the form is prima facie evidence that the owner of the license intended to make the anatomical gift, and there shall be no civil or criminal liability for removal of any part of the body indicated on the form by a licensed physician or surgeon, **or donee**. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall [become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must] be renewed upon renewal of each license. Pertinent medical information which may affect the quality of the gift may be included in the statement of gift.

7. Any person eighteen years of age or older, or any person under the age of eighteen with parental consent who indicates the desire to make an organ donation through any method prescribed in this section may also contact the department of health when completing such form, so that the information may be included in the registry maintained by the department pursuant to subsection 1 of section 194.304. Failure to contact the department of health shall not be construed to challenge the validity of the organ donation.

8. Organ procurement organizations and tissue banks may employ **procurement coordinators and enucleators who may not be physicians or surgeons** to assist in the [procurement] **recovery** of cadaveric organs and tissue for transplant or research. A **or enucleator** coordinator who assists in the procurement of cadaveric organs or tissue for transplantation or research must do so under the direction and supervision of a physician or surgeon. With the exception of organ procurement surgery, this supervision may be indirect supervision. For purposes of this subsection, the term "indirect supervision" means that a physician or surgeon is responsible for the medical actions of the coordinator, that the coordinator is acting under protocols expressly approved by a physician or surgeon, and that a physician or surgeon is available, in person or by telephone, to provide medical direction, consultation and advice in cases of organ and tissue donation and procurement.

9. The department of health shall collect information and publish an annual report which shall include the number of organ and tissue donations made in the state, the number of organ or tissue donations received by citizens of the state of Missouri, the number of organ or tissue donations transported outside the state boundaries and the cost of such organ or tissue donations.

194.243. 1. Beginning no later than January 1, 2001, the division of motor vehicle and driver licensing shall modify the driver's license and identification card application process and renewal system to:

(1) Obtain information from individuals over the age of eighteen regarding such individual's consent to anatomical donation; and

(2) Allow persons under the age of eighteen to register as donors with parental consent. The division shall include an inquiry on the application and renewal form to read as follows:

"Do you wish to have the organ donor designation printed on your driver's license?"

If an individual indicates his or her consent to anatomical donation, such consent shall be noted on the front of the individual's driver's license or identification card with the word "Organ Donor" and recorded in the individual's computer record with the division of motor vehicle and driver licensing. 2. The OPO shall be given access to the donor information in subsection 1 of this section twenty-four hours a day through the division's database. Notwithstanding any other law to the contrary, the division is authorized to provide the OPO with the foregoing donor information. The OPO shall not be assessed a fee or other charges for such access.

3. The donor designation on the driver's license or identification card shall be deemed sufficient to satisfy all requirements for consent to organ and tissue donation.

4. Any person may request that his or her consent to anatomical donation by validly executed donor card, will, other document or gift be included in such person's computer record with the division of motor vehicle and driver licensing. The division may promulgate rules and regulations to implement the provisions of this subsection. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

194.245. Notwithstanding any other law to the contrary, if a validly executed donor card, advance health care directive, will, other document or gift, driver's license or identification card evidencing an anatomical gift exists, consent at the time of death shall not be necessary to render the gift valid.

194.249. The department of revenue shall provide a space on the face of the state individual income tax return for the 2000 tax year and each year thereafter whereby an individual may voluntarily designate a contribution of any amount desired to the organ donor program fund established in section 194.297. The amount designated by an individual on the state income tax return form shall be deducted from the tax refund to which the individual is entitled or added to the individual's payment and shall not constitute a charge against the income tax revenues due the state.

194.266. 1. The following persons may make a reasonable search for a document of gift or other information identifying the bearer as an organ donor or as an individual who has refused to make an anatomical gift:

- (1) A law enforcement officer, firefighter, paramedic or other official emergency rescuer finding an individual who the searcher believes is near death; and
- (2) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of such information.

2. Any law enforcement officer or other person listed in subsection 1 of this section may conduct an administrative search of the individual's driver's license record with the division of motor vehicle and driver's licensing to determine if the individual's authorization for organ donation or refusal of organ donation.

3. A physical search pursuant to subsection 1 of this section may be conducted at or near the time of death or hospital admission, and shall be limited to those personal effects of the individual where a driver's license may be reasonably stored. Any information, document, tangible objects or other items discovered during the search shall be used solely for the purpose of ascertaining the individual's identity, notifying the individual's next of kin, and determining whether the individual intends to make an anatomical gift. In no event shall any such discovered material be admissible in any subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on other grounds.

194.293. A hospital or physician who acts in good faith in accord with the terms of sections 194.210 to 194.307 shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for such act.

194.297. There is established in the state treasury the "Organ Donor Program Fund", which shall consist of all moneys deposited by the director of revenue pursuant to **section 194.249** and subsection 2 of section 302.171, RSMo, and any other moneys donated or appropriated to the fund. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the department of health, in consultation with the organ donation advisory committee, for implementation of organ donation awareness programs in the manner prescribed in [subsection 2 of section 194.300] **section 194.302**. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the organ donor program fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. There shall be no money appropriated from general revenue to administer the fund in the event the fund cannot sustain itself.

194.300. 1. There is established within the department of health the "Organ Donation Advisory Committee", which shall consist of the following members appointed by the governor with the advice and consent of the senate:

- (1) [Four representatives of organ and tissue procurement organizations;
- (2)] **Two current representatives from each federally certified OPO;**
- (2) **One current representative from an eye bank;**
- (3) Four members representative of organ recipients, families of organ recipients, organ donors and families of organ donors;
- [(3)] (4) One health care representative from [a hospital located in Missouri; and] **the Missouri Hospital Association;**
- [(4)] (5) One representative of the department of health; **and**
- (6) **One representative of the department of revenue.**

2. Members of the advisory committee shall receive no compensation for their services, but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties out of appropriations made for that purpose. Members shall serve for five year terms and shall serve at the pleasure of the governor." ; and

Further amend said bill, Page 17, Section 199.200, Line 16, by inserting after said line the following:

"302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a [one-dollar] **two-dollar** donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of [one dollar] **two dollars** to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant

for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

6. The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as the driver's license upon payment of six dollars if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **The director shall provide by administrative rule the procedure and format for an applicant to indicate a designation for an anatomical gift as provided in section 194.240, RSMo, on the back of the nondriver's license card.**

8. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo."; and

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

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

Speaker Kreider resumed the Chair.

Representative Crump moved the previous question on the motion to adopt **HS HCS SCS SB 266, as amended.**

Which motion was adopted by the following vote:

AYES: 086

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Coleman	Copenhaver	Crump	Curls
Davis	Farnen	Foley	Ford	Franklin
Fraser	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 27	Kelly 36	Kennedy	Koller
Lawson	Liese	Lowe	Luetkenhaus	Mays 50
McKenna	Merideth	Monaco	O'Connor	O'Toole
Overschmidt	Ransdall	Relford	Reynolds	Rizzo
Scheve	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Villa	Wagner	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 072

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

PRESENT: 000

ABSENT WITH LEAVE: 002

Dolan Legan

VACANCIES: 003

On motion of Representative Barry, **HS HCS SCS SB 266, as amended**, was adopted.

On motion of Representative Barry, **HS HCS SCS SB 266, as amended**, was read the third time and passed by the following vote:

AYES: 152

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	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Dempsey	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
King	Koller	Lawson	Legan	Levin
Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Scheve	Schwab	Scott
Secrest	Seigfreid	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: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Davis	Dolan	Green 73	Jetton	Kennedy
Lograsso	Ross			

VACANCIES: 003

Speaker Kreider declared the bill passed.

Representative Smith assumed the Chair.

Speaker Kreider resumed the Chair.

BILL IN CONFERENCE

CCR SS SCS HS HB 421, as amended, relating to intoxication torts, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **CCR SS SCS HS HB 421, as amended**, was adopted by the following vote:

AYES: 128

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Bowman	Burcham	Burton	Byrd
Campbell	Champion	Cierpiot	Coleman	Cooper
Crawford	Crowell	Crump	Cunningham	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Ford	Fraser	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Hartzler	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Holt	Hoppe	Hunter	Jetton
Kelley 47	Kelly 144	Kelly 27	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Linton	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	St. Onge
Surface	Thompson	Townley	Treadway	Van Zandt
Villa	Vogel	Wagner	Ward	Wiggins
Wilson 25	Wright	Mr. Speaker		

NOES: 029

Boucher	Boykins	Bray 84	Britt	Brooks
Carnahan	Clayton	Copenhaver	Curls	Foley
Franklin	Froelker	Harding	Harlan	Haywood
Hollingsworth	Hosmer	Johnson 61	Johnson 90	Jolly
Kelly 36	Monaco	Murphy	Relford	Skaggs
Smith	Walton	Willoughby	Wilson 42	

PRESENT: 000

ABSENT WITH LEAVE: 003

Long Troupe Williams

VACANCIES: 003

On motion of Representative Hoppe, **CCS SS SCS HS HB 421**, was read the third time and passed by the following vote:

AYES: 130

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Bowman	Burcham	Burton	Byrd	Campbell
Champion	Cierpiot	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Ford	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Hartzler	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Holt	Hoppe
Hunter	Jetton	Kelley 47	Kelly 144	Kelly 27
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Moore	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	St. Onge	Surface	Thompson	Townley
Treadway	Van Zandt	Villa	Vogel	Wagner
Ward	Wiggins	Williams	Wright	Mr. Speaker

NOES: 026

Boucher	Boykins	Bray 84	Britt	Brooks
Carnahan	Clayton	Foley	Harding	Harlan
Haywood	Hollingsworth	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 36	Monaco	Murphy	Relford
Skaggs	Smith	Walton	Willoughby	Wilson 25
Wilson 42				

PRESENT: 000

ABSENT WITH LEAVE: 004

Baker Franklin Long Troupe

VACANCIES: 003

Speaker Kreider declared the bill passed.

BILL IN CONFERENCE - INFORMAL

CCS HS SS SCS SBs 323 & 230, relating to political subdivisions, was taken up by Representative Koller.

On motion of Representative Koller, **CCS HS SS SCS SBs 323 & 230** was truly agreed to and finally passed by the following vote:

AYES: 112

Abel	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkowitz	Berkstresser	Black	Bland
Bonner	Boucher	Bowman	Bray 84	Britt
Burton	Campbell	Carnahan	Champion	Coleman
Cooper	Copenhaver	Crawford	Crump	Curls
Davis	Dempsey	Dolan	Fares	Farnen
Foley	Ford	Fraser	Froelker	Gambaro
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 90	Jolly	Kelley 47	Kelly 27
Kennedy	King	Koller	Lawson	Liese
Lowe	Luetkemeyer	Luetkenhaus	Marble	May 149
Mays 50	Miller	Monaco	Moore	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Ransdall	Relford	Reynolds	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Surface	Thompson	Townley	Treadway	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 037

Ballard	Barnitz	Boatright	Burcham	Byrd
Cierpiot	Clayton	Crowell	Cunningham	Enz
Gaskill	Hanaway	Hendrickson	Hohulin	Hunter
Kelly 144	Legan	Levin	Linton	Lograsso
Marsh	Mayer	Merideth	Murphy	Naeger
Phillips	Portwood	Purgason	Rector	Reid
Reinhart	Richardson	Ridgeway	Roark	Secrest
Shoemyer	St. Onge			

PRESENT: 003

Boykins	Brooks	Johnson 61
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ABSENT WITH LEAVE: 008

Baker	Barry 100	Franklin	Jetton	Kelly 36
Long	McKenna	Troupe		

VACANCIES: 003

Speaker Kreider declared the bill passed.

HOUSE BILL WITH SENATE AMENDMENTS

SS HCS HB 738, as amended, relating to small loans, was taken up by Representative Liese.

On motion of Representative Liese, **SS HCS HB 738, as amended**, 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	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hunter	Jetton	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
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
Van Zandt	Villa	Vogel	Wagner	Ward
Wiggins	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 002

Johnson 61 Walton

ABSENT WITH LEAVE: 007

Baker	Dempsey	Ford	Green 73	Hosmer
Long	Williams			

VACANCIES: 003

On motion of Representative Liese, **SS HCS HB 738, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 149

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hunter
Jetton	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	McKenna
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	Secret
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Van Zandt	Villa	Vogel
Wagner	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 001

O'Toole

PRESENT: 002

Johnson 61 Walton

ABSENT WITH LEAVE: 008

Baker	Boykins	Franklin	Green 73	Henderson
Hosmer	Long	Troupe		

VACANCIES: 003

Speaker Kreider declared the bill passed.

THIRD READING OF SENATE BILLS

SCS SB 290, relating to retirement systems, was taken up by Representative Rizzo.

Representative Rizzo offered **HS SCS SB 290**.

Representative Kelly (27) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 290, Section 87.371, Page 92, Line 14 of said page, by inserting immediately thereafter the following:

“87.615 **1.** Any firefighter who has retired or who retires and was not or is not a member of the retirement system governed by sections 70.600 to 70.755, RSMo, and any beneficiary of any such firefighter shall, upon application to any city with a population of at least seventy thousand located in a county of the first classification without a charter form of government, be made, constitutionally appointed, and employed by the city as a special consultant on the problems of retirement and upon request of the city council, shall give opinions and be available to give opinions in writing or orally in response to requests of the city council. As compensation for the services required by this section, the city may directly compensate the retired firefighter or beneficiary thereof in an amount established by ordinance of the city. Such amount of additional compensation may be paid directly by the city to each qualified retiree or beneficiary and shall not be considered employer contributions to the local government retirement system nor benefits paid therefrom.

2. Notwithstanding any other law to the contrary, beginning August 29, 2001, any beneficiary of a firefighter who had retired or who retires and was not or is not a member of the retirement system governed by sections 70.600 to 70.755, RSMo, shall upon application to any city with a population of at least seventy thousand located in a county of the first classification without a charter form of government, be made, constitutionally appointed, and employed by the city as a special consultant on the problems of retirement and upon request of the city council, shall give opinions and be available to give opinions in writing or orally in response to request of the city council. As compensation for the services required by this section, the city may directly compensate the beneficiary thereof by continuing the death benefit payment upon remarriage of the beneficiary. Such amount of compensation may be paid directly by the city to each qualifying special consultant and shall not be considered employer contributions to the local government employees retirement system nor benefits paid therefrom.”.

On motion of Representative Kelly (27), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 290, Page 1, In the Title, Lines 12 to 13 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"87.371, RSMo 2000, relating to public safety personnel, and to enact in lieu"; and

Further amend said bill, Page 92, Section 87.371, Line 14 of said page, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or

threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building;

or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; [and]

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo; **and**

(9) Any person holding a valid permit to carry a concealed weapon pursuant to section 571.090, RSMo.

3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

4. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

6. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a

class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

7. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

571.090. 1. A permit to acquire a concealable firearm shall be issued by the sheriff of the county in which the applicant resides, if all of the statements in the application are true, and the applicant:

(1) Is at least twenty-one years of age, a citizen of the United States and has resided in this state for at least six months;

(2) Has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(3) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been discharged under dishonorable conditions from the United States armed forces;

(5) Is not publicly known to be habitually in an intoxicated or drugged condition; and

(6) Is not currently adjudged mentally incompetent and has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state.

2. A permit to carry a concealable firearm shall be issued or renewed for a period of one year by the sheriff of the county in which the applicant resides, if the applicant satisfies all the requirements of subsection 1 of this section, and if the applicant is also an off-duty peace officer or a retired peace officer having completed a minimum of fifteen years of vested service and terminating service in good standing and who is currently certified as a peace officer pursuant to chapter 590, RSMo. A permit to carry a concealable firearm shall be issued by the sheriff of the county in which the applicant resides if the applicant is a retired peace officer of another state who meets all other requirements of this section and who has obtained Missouri peace officer certification as provided by chapter 590, RSMo. All costs associated with obtaining or renewing a permit to carry a concealable weapon, including but not limited to the cost of background checks and certifications and continuing education shall be borne by the applicant.

3. Applications shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed and verified by the applicant, and shall state only the following: the name, Social Security number, occupation, age, height, color of eyes and hair, residence and business addresses of the applicant, the reason for desiring the permit, and whether the applicant complies with each of the requirements specified in subsection 1 of this section. The applicant shall also submit documentation signed by a licensed physician and no less than thirty days old that the applicant is in good physical and mental health.

[3.] **4. Before a permit is issued or renewed, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application, but must conduct a criminal background check. The sheriff may require that the applicant display a Missouri operator's license or other suitable identification. The sheriff shall issue or renew the permit within a period not to exceed seven days after submission of the properly completed application excluding Saturdays, Sundays or legal holidays. The sheriff may refuse to issue or renew the permit if he or she determines that any of the requirements specified in subsection 1 of this section have not been met, or if he or she has reason to believe that the applicant has rendered a false statement regarding any of the provisions in subsection 1 of this section. If the application is approved, the sheriff shall issue or renew a permit and a copy thereof to the applicant. A permit shall be automatically and immediately revoked if the holder violates any of the requirements to obtain a permit, fails to maintain certification as a peace officer, or if the holder's peace officer certification is revoked or suspended pursuant to section 590.135, RSMo, or if any of the causes for**

revocation or suspension itemized at subsection 2 of section 590.135, RSMo, occur.

[4.] **5.** The permit shall recite the date of issuance, that it is invalid after thirty days, the name and address of the person to whom granted, the nature of the transaction, and a physical description of the applicant. The applicant shall sign the permit in the presence of the sheriff.

[5.] **6.** If the permit is used, the person who receives the permit from the applicant shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of disposition of the firearm and a description of the firearm including the make, model and serial number. The sheriff shall keep a record of all applications for permits, his **or her** action thereon, and shall preserve all returned permits.

[6.] **7.** No person shall in any manner transfer, alter or change a permit, or make a false notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a permit issued to another.

[7.] **8.** For the processing of the permit, the sheriff in each county and the city of St. Louis shall charge a fee not to exceed [ten] **one hundred dollars for an initial one-year permit, and a fee not to exceed fifty dollars to renew an existing permit for another year**, which shall be paid into the [treasury of the county or city to the credit of] **county crime reduction fund, if such is established by the county; otherwise into** the general revenue fund.

[8.] **9.** In any case when the sheriff refuses to issue, **renew**, or to act on an application for a permit, such refusal shall be in writing setting forth the reasons for such refusal. Such written refusal shall explain the denied applicant's right to appeal and, with a copy of the completed application, shall be given to the denied applicant within a period not to exceed seven days after submission of the properly completed application excluding Saturdays, Sundays or legal holidays. The denied applicant shall have the right to appeal the denial within ten days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, RSMo, and the provisions of sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

[9.] **10.** A denial of or refusal to act on an application for permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of Missouri

Case Number

....., Denied Applicant)

)

vs.)

)

....., Sheriff)

Return Date

DENIAL OF PERMIT APPEAL

The denied applicant states that his properly completed application for a permit to [acquire] **carry** a firearm with a barrel of less than sixteen inches was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

.....

Denied Applicant

[10.] **11.** The notice of appeal in a denial of permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

[11.] **12.** If at the hearing the person shows he is entitled to the requested permit, the court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be assessed against the sheriff in any case.

[12.] **13.** Any person aggrieved by any final judgment rendered by a small claims court in a denial of permit appeal may have a trial de novo as provided in sections 512.180 to 512.320, RSMo.

[13.] **14.** Violation of any provision of this section is a class A misdemeanor."; and

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

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

Which motion was defeated.

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

House Amendment No. 3

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 290, Page 92, Section 87.371, Line 14, by inserting after all of said line on said page the following:

“Section 1. Notwithstanding the provisions of sections 610.010 to 610.035, RSMo, to the contrary, any retirement plan as defined in section 105.660, RSMo, located in a city not within a county, providing retirement benefits for general employees shall provide, upon request by any retiree organization, sufficient information enabling such organization to contact retired members.”; and

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

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

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

House Amendment No. 4

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 290, Page 67, Section 86.671, Line 11, by deleting all of Section 86.671.

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

Which motion was defeated by the following vote:

AYES: 043

Bearden	Behnen	Black	Brooks	Burcham
Byrd	Cooper	Crowell	Cunningham	Dempsey
Dolan	Fares	Froelker	Hanaway	Henderson
Hendrickson	Hohulin	Holt	Hunter	Jetton
King	Levin	Lograsso	Luetkemeyer	May 149
Mayer	Monaco	Murphy	Myers	Ostmann
Phillips	Portwood	Purgason	Reinhart	Richardson
Ridgeway	Roark	Schwab	Scott	Secrest
St. Onge	Townley	Wright		

NOES: 102

Abel	Ballard	Barnett	Barnitz	Bartelsmeyer
Bartle	Berkowitz	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Burton	Carnahan	Champion	Clayton	Coleman
Copenhaver	Crawford	Crump	Curls	Davis
Farnen	Foley	Franklin	Fraser	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer

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Johnson 61	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	Koller	Lawson	Liese
Lowe	Luetkenhaus	Marble	Marsh	Mays 50
McKenna	Merideth	Miller	Moore	Nordwald
O'Connor	O'Toole	Overschmidt	Ransdall	Rector
Reid	Relford	Reynolds	Rizzo	Robirds
Ross	Scheve	Seigfreid	Selby	Shelton
Shields	Shoemyer	Smith	Surface	Thompson
Treadway	Villa	Vogel	Wagner	Walton
Ward	Wiggins	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

PRESENT: 002

Johnson 90 Troupe

ABSENT WITH LEAVE: 013

Baker	Barry 100	Berkstresser	Campbell	Cierpiot
Enz	Ford	Legan	Linton	Long
Naeger	Skaggs	Van Zandt		

VACANCIES: 003

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

House Amendment No. 5

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 290, Page 92, Section 87.371, Line 14, by inserting after all of said line the following:

“Section 1. For the purposes of pension and relief systems in this act, any reference to the term “spouse” only recognizes marriage between a man and a woman. A marriage between persons of the same sex shall not be recognized for any purpose in this state, even when valid where contracted”; and

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

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

Which motion was defeated.

On motion of Representative Rizzo, **HS SCS SB 290, as amended**, was adopted.

On motion of Representative Rizzo, **HS SCS SB 290, as amended**, was read the third time and passed by the following vote:

AYES: 142

Abel	Ballard	Barnett	Barnitz	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Carnahan	Champion	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crowell

Crump	Cunningham	Curls	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Ford
Franklin	Fraser	Froelker	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	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Nordwald	O'Connor	O'Toole
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Reynolds	Richardson
Ridgeway	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Villa	Vogel	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 003

Byrd	Ostmann	Roark
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PRESENT: 000

ABSENT WITH LEAVE: 015

Baker	Barry 100	Campbell	Cierpiot	Foley
Gambaro	Green 73	Harlan	Hosmer	Lograsso
Long	Naeger	Relford	Van Zandt	Wagner

VACANCIES: 003

Speaker Kreider declared the bill passed.

HCS SCS SB 486 & SB 422, relating to medical transport services, was placed on the Informal Calendar.

HCS SS SB 244, relating to motor vehicles and equipment, was taken up by Representative Koller.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 1, Section A, Line 3, by inserting after all of said line the following:

"226.003. Notwithstanding any other provision of law or rule to the contrary, the department of transportation is hereby prohibited from contracting with private entities or vendors to operate truck stops,

fueling stations, convenience stores or restaurants on or near interstate public rest areas. The department shall examine and research the Vermont and Utah state programs, which have phased out interstate public rest areas and instead have implemented a public/private partnership with designated interstate rest exits. Nothing in this section shall prohibit the department from maintaining existing interstate public rest areas or constructing new interstate public rest areas consistent with this section."; and

Further amend said bill, Pages 2 and 3, Section 302.286, Lines 1 to 23, by deleting all of said lines and inserting in lieu thereof the following:

"302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030, RSMo, wherein the court found evidence of the theft of motor fuel as described in subdivision (5) of subsection 2 of section 570.030, RSMo, shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction.

2. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the department of revenue for administration of such order.

3. Suspension of a driver's license pursuant to this section shall be made as follows:

(1) For the first offense, suspension shall be for sixty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty days of such suspension;

(2) For the second offense, suspension shall be for ninety days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days of such suspension; and

(3) For the third or any subsequent offense, suspension shall be for one hundred eighty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first ninety days of such suspension.

4. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228."; and

Further amend said bill, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

"307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

(1) All mirrors, including crossview, inside, and outside;

(2) The front and rear warning flashers;

(3) The stop signal arm;

(4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;

(5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;

(6) The exhaust tailpipe [to determine that it does not protrude from the bus] shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;

(7) The emergency doors and exits to determine them to be unlocked and easily opened as required;

(8) The lettering and signing on the front, side[,] and rear of the bus;

(9) The service door;

(10) The step treads;

(11) The aisle mats or aisle runners;

(12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;

(13) The seats, including a determination that they are securely fastened to the floor;

- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 **of this section**, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 **of this section** and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles.

3. If, upon inspection, conditions which violate the standards in subsection 2 **of this section** are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 **of this section** shall be applicable."; and

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

Representative Smith resumed the Chair.

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

Representative O'Connor offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

"302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state **or any other state** shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county.

Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a valid license from a state which has requirements for issuance of a license comparable to the Missouri requirements, the director may waive the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement."; and

Further amend said bill, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

"307.173. 1. Except as provided in subsections 2 and 6 of this section, no person shall operate any motor vehicle registered in this state on any public highway or street of this state with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This section shall not prohibit labels, stickers, decalomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

2. [A permit to] **Any person may** operate a motor vehicle with [a front sidewing vent or window] **side and rear windows** that [has] **have** a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent [may be issued by the department of public safety to a person having a physical disorder requiring the use of such vision-reducing material. If, according to the permittee's physician, the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection, the limits of this subsection may be altered for that permittee in accordance with the physician's prescription. The director of the department of public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by immediate family members who are husband, wife and sons or daughters who reside in the household].

3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390.

4. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority**

and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

5. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

6. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section.";
and

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

On motion of Representative O'Connor, **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;
(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear **and protective eyewear** at all times the vehicle is in motion. The protective headgear **and eyewear** shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear **and eyewear** as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear **and eyewear**.";
and

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

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

Representative Smith requested a parliamentary ruling.

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

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

Which motion was defeated by the following vote:

AYES: 013

Boucher	Bowman	Brooks	Burton	Crump
Haywood	Henderson	Johnson 61	Skaggs	Surface
Walton	Ward	Wilson 42		

NOES: 120

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Berkstresser	Black
Bland	Boatright	Bonner	Boykins	Bray 84
Britt	Burcham	Byrd	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Curls	Davis
Enz	Fares	Farnen	Franklin	Fraser
Froelker	Gambaro	Gaskill	Graham	Gratz
Green 15	Griesheimer	Hampton	Hanaway	Harding
Hartzler	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Holt	Hosmer	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	Koller	Lawson
Levin	Liese	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	Mayer
Mays 50	Merideth	Miller	Moore	Murphy
Myers	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Shoemyer	St. Onge	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Wiggins
Williams	Willoughby	Wilson 25	Wright	Mr. Speaker

PRESENT: 001

Purgason

ABSENT WITH LEAVE: 026

Baker	Behnen	Berkowitz	Campbell	Dempsey
Dolan	Foley	Ford	George	Green 73
Hagan-Harrell	Harlan	Hollingsworth	Hoppe	King
Legan	Linton	May 149	McKenna	Monaco
Naeger	Richardson	Secrest	Smith	Van Zandt
Wagner				

VACANCIES: 003

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

"Section 1. Notwithstanding any other law to the contrary, blue dot taillights shall be allowed on any motor vehicle manufactured prior to 1960."; and

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

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

Representative Kelly (27) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

"302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a valid license from [a state which has requirements for issuance of a license comparable to the Missouri requirements,] **another state which is currently in good standing in that state**, the director [may] **shall** waive the [requirement] **requirements** of [actual demonstration of ability to exercise due care in the operation of a motor vehicle] **this section including the vision test requirements set forth in section 302.175**. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license

hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement."; and

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

On motion of Representative Kelly (27), **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 1, by inserting immediately after all of said line the following:

"Section 1. A towing company, as defined in Section 304.001, RSMo, shall grant access to insurance personnel for the purposes of inspection, appraisal and photographs of property at no charge and without requiring any surety."; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 4, Section 304.580, Line 36, by inserting after said line the following:

"307.020. As used in sections 307.020 to 307.120, [unless the context requires another or different construction] **the following terms mean:**

- (1) "Approved" [means], approved by the director of revenue and when applied to lamps and other illuminating devices means that such lamps and devices must be in good working order;
- (2) "Auxiliary lamp" [means], an additional lighting device on a motor vehicle used primarily to supplement the headlamps in providing general illumination ahead of a vehicle;
- (3) "Headlamp" [means], a major lighting device capable of providing general illumination ahead of a vehicle;
- (4) "Mounting height" [means], the distance from the center of the lamp to the surface on which the vehicle stands;
- (5) "Multiple-beam headlamps" [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use one of two or more distributions of light on the road;
- (6) "Reflector" [means], an approved device designed and used to give an indication by reflected light;
- (7) "Single-beam headlamps" [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use but one distribution of light on the road;
- (8) "Vehicle" [means], every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks;

(9) "When lighted lamps are required" [means], at any time from a half-hour after sunset to a half-hour before sunrise, **at anytime when rain, snow, fog or other atmospheric conditions require the use of windshield wipers**, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead; **provided, however, that no person shall be stopped, inspected or detained solely to determine compliance with the requirement of using lighted lamps when atmospheric conditions require the use of windshield wipers.**"; and

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

Speaker Kreider resumed the Chair.

Representative Long moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

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

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 4, Section 304.580, Line 36, by inserting immediately after all of said line the following:

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

- (1) “B-20”, a blend of twenty percent by volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;**
- (2) “Biodiesel”, fuel as defined in ASTM Standard PS121;**
- (3) “EPAAct”, the federal Energy Policy Act, 42 U.S.C. 13201, et seq.;**
- (4) “EPAAct credit”, a credit issued pursuant to EPAAct;**
- (5) “Fund”, the Biodiesel Fuel Revolving Fund;**
- (6) “Incremental cost”, the difference in cost between biodiesel fuel and conventional petroleum-based diesel fuel at the time the biodiesel fuel is purchased.**

2. The department, in cooperation with the department of agriculture, shall establish and administer an EPAAct credit banking and selling program to allow state agencies to use moneys generated by the sale of EPAAct credits to purchase biodiesel fuel for use in state vehicles. Each state agency shall provide the department with all vehicle fleet information necessary to determine the number of EPAAct credits generated by the agency. The department may sell credits in any manner pursuant to the provisions of EPAAct.

3. There is hereby created in the state treasury the “Biodiesel Fuel Revolving Fund”, into which shall be deposited moneys received from the sale of EPAAct credits banked by state agencies on the effective date of this section and in future reporting years, any moneys appropriated to the fund by the General Assembly, and any other moneys obtained or accepted by the department for deposit into the fund. The fund shall be managed to maximize benefits to the state in the purchase of biodiesel fuel and, when possible, to accrue those benefits to state agencies in proportion to the number of EPAAct credits generated by each respective agency.

4. Moneys deposited into the fund shall be used to pay for the incremental cost of biodiesel fuel with a minimum biodiesel concentration of B-20 for use in state vehicles and for administration of the fund. Not later than January thirty-first of each year, the department shall submit an annual report to the General Assembly on the expenditures from the fund during the preceding fiscal year.

5. Notwithstanding the provisions of section 33.0080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

6. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated

pursuant to chapter 536, RSMo.

7. The department shall conduct a study of the use of alternative fuels in motor vehicles in the state and shall report its findings and recommendations to the General Assembly no later than January 1, 2002. Such study shall include:

- (1) An analysis of the current use of alternative fuels in public and private vehicle fleets in the state;
- (2) An assessment of methods that the state may use to increase use of alternative fuels in vehicle fleets, including the sale of credits generated pursuant to the federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay for the difference in cost between alternative fuels and conventional fuels;
- (3) An assessment of the benefits or harm that increased use of alternative fuels may make to the state's economy and environment;
- (4) Any other information that the department deems relevant.”; and

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

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

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

Representative Gambaro 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 Bearden offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 1, Section A, Line 3, by inserting the following:

“226.133. 1. The general assembly may authorize the highways and transportation commission to issue bonds or other evidence of indebtedness in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2006; except that, the highways and transportation commission may immediately authorize issue of bonds up to two hundred fifty million dollars for the purpose of providing funds for use in highway construction and repairs scheduled in the five-year plan. The principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal year. **The sale of such bonds shall be negotiated, after a competitive selection process, with an underwriting group managed by firms headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The underwriting group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs.** Proceeds from the issuance of the bonds shall be provided to the department of transportation to pay for the cost of construction engineering and construction. The proceeds from the bonds shall not be used to pay for administrative expenses, including but not limited to planning and design expenses. Contracted final design shall not be considered an administrative expense, but shall not exceed seven percent of any project.

2. To obtain authorization for the issuance of bonds, the highways and transportation commission shall annually present to the general assembly, by the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and appropriateness thereof. The plan to issue bonds shall become effective no later than forty-five calendar days after the plan proposed by the highways and transportation commission is submitted to a regular session of the general assembly, unless it is disapproved within forty-five calendar days of its submission to a regular session by a concurrent resolution introduced within fourteen calendar days of the submission of the plan to a regular session of the general assembly and adopted by a majority vote of the elected members of each house. If no concurrent resolution disapproving of the highway plan is introduced within fourteen calendar days of the submission of the plan to the legislature, then the plan shall become effective immediately. The presiding officer of each house in which a concurrent

resolution disapproving of a plan to issue bonds has been introduced, unless the resolution has been previously accepted or rejected by that house, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the department of transportation plan. The presiding officer of the house passing a concurrent resolution disapproving of a plan to issue bonds shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. The highways and transportation commission shall offer such bonds at public sale or negotiated sale. The bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

4. The proceeds of the sale or sales of any bonds issued pursuant to this section shall be paid into the state road fund to be expended for the purpose specified pursuant to the provisions of section 226.220.

5. Bonds issued pursuant to this section shall be state road bonds as such term is used in section 30(b) of article IV of the state constitution, and as such, principal and interest payments on such bonds shall be made from the state road fund as provided in section 30(b) of article IV of the state constitution. Bonds issued pursuant to this section shall not be deemed to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and the principal and interest on such bonds shall be payable solely from the state road fund. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds, shall be exempt from taxation in the state of Missouri for all purposes except for the state estate tax.

6. Bonds may be issued for the purpose of refunding either at maturity or in advance of maturity, any bonds issued [under] **pursuant** to this section. The proceeds of such refunding bonds may either be applied to the payment of the bonds being refunded or deposited in trust and maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the highways and transportation commission and the authorizing resolution or trust indenture securing such refunding bonds. The authorizing resolution or trust indenture securing the refunding bonds shall specify the amount and other terms of the refunding bonds and may provide that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded. The refunding bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The principal amount of refunding bonds issued pursuant to this section shall not be counted toward the limit on the principal amount of bonds permitted [under] **pursuant** to this section.”; and

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

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

Representative Green (15) offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 3, Section 302.286, Line 23, by inserting after all of said line the following:

"304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

(2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations thereunder or of municipalities;

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except [in a crossover or] **at an intersection or interchange or at any signed location designated by the state highways and transportation commission or the department of transportation. The provisions of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or the department.**

4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

(4) Official signs may be erected by the highways and transportation commission or the highway patrol may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;

(5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

7. Violation of this section shall be deemed an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.”; and

Further amend said bill, Page 3, Section 304.035, Line 21, by inserting after all of said line the following:

"304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any [primary or interstate] highway in this state [plus a distance not to exceed ten miles from such highways,] having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020, RSMo, shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any [primary or interstate highways] **state highway** of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart [and further provided, however, that when any vehicle or combination of vehicles with six axles which includes a tandem axle group as above defined and a group of three axles which are fully equalized, automatically or mechanically, and the distance between the center of the extremes of which does not exceed one hundred ten inches, the chief engineer of the Missouri state transportation department shall issue a special permit for the movement thereof, as provided in section 304.200, for twenty thousand pounds for each axle of the tandem axle group and for sixteen thousand pounds for each axle of the group of three fully equalized

axles which are equalized, automatically or mechanically, when said vehicle or combination of vehicles is used to transport excavation or construction machinery or equipment, road-building machinery or farm implements over routes in the primary system and other routes that are not a part of the interstate system of highways; provided, further, that the chief engineer of the Missouri state transportation department may issue permits on the interstate system].

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a [primary or interstate] highway **of this state** through any one axle or on any tandem axle, the total gross weight with load imposed [upon a primary or interstate highway, plus a distance not to exceed ten miles from such highways,] by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes
of any group of two or
more consecutive axles,
measured to the nearest
foot, except where
indicated otherwise

		Maximum load in pounds					
feet		2 axles	3 axles	4 axles	5 axles	6 axles	
4		34,000					
5		34,000					
6		34,000					
7		34,000					
8		34,000	34,000				
More than 8	38,000	42,000					
9		39,000	42,500				
10		40,000	43,500				
11		40,000	44,000				
12		40,000	45,000	50,000			
13		40,000	45,500	50,500			
14		40,000	46,500	51,500			
15		40,000	47,000	52,000			
16		40,000	48,000	52,500	58,000		
17		40,000	48,500	53,500	58,500		
18		40,000	49,500	54,000	59,000		
19		40,000	50,000	54,500	60,000		
20		40,000	51,000	55,500	60,500	66,000	
21		40,000	51,500	56,000	61,000	66,500	
22		40,000	52,500	56,500	61,500	67,000	
23		40,000	53,000	57,500	62,500	68,000	
24		40,000	54,000	58,000	63,000	68,500	
25		40,000	54,500	58,500	63,500	69,000	
26		40,000	55,500	59,500	64,000	69,500	
27		40,000	56,000	60,000	65,000	70,000	
28		40,000	57,000	60,500	65,500	71,000	
29		40,000	57,500	61,500	66,000	71,500	
30		40,000	58,500	62,000	66,500	72,000	
31		40,000	59,000	62,500	67,500	72,500	
32		40,000	60,000	63,500	68,000	73,000	
33		40,000	60,000	64,000	68,500	74,000	
34		40,000	60,000	64,500	69,000	74,500	
35		40,000	60,000	65,500	70,000	75,000	
36				60,000	66,000	70,500	75,500
37				60,000	66,500	71,000	76,000

38	60,000	67,500	72,000	77,000
39	60,000	68,000	72,500	77,500
40	60,000	68,500	73,000	78,000
41	60,000	69,500	73,500	78,500
42	60,000	70,000	74,000	79,000
43	60,000	70,500	75,000	80,000
44	60,000	71,500	75,500	80,000
45	60,000	72,000	76,000	80,000
46	60,000	72,500	76,500	80,000
47	60,000	73,500	77,500	80,000
48	60,000	74,000	78,000	80,000
49	60,000	74,500	78,500	80,000
50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. [Subject to the limit upon the weight imposed upon a supplementary highway through any one axle which shall not have a weight greater than eighteen thousand pounds or on any tandem axle which shall not have a weight greater than thirty-two thousand pounds, the total gross weight with load imposed upon the supplementary highway by any vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of a single motor vehicle or by the first axle of a motor vehicle and the last axle of the last vehicle in any combination of vehicles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between the extreme axles	Maximum load in pounds
4	32,000
5	32,000
6	32,000
7	32,000
8	33,200
9	34,400
10	35,600
11	36,800
12	38,000
13	39,200
14	40,400
15	41,600
16	42,800
17	44,000
18	45,200
19	46,400
20	47,600
21	48,800
22	50,000
23	51,000
24	52,000

25	53,000
26	54,000
27	55,000
28	56,000
29	57,000
30	58,000
31	59,000
32	60,000
33	61,100
34	62,200
35	63,500
36	64,600
37	65,900
38	67,100
39	68,300
40	69,700
41	70,800
42	72,000
43 or over	73,280

5. Provided, however, subject to the limit upon the weight imposed through any one axle, through any tandem axle, as provided in subsection 4 of this section, the total gross weight with load imposed upon any bridges generally considered by the state highways and transportation commission to be on the supplementary system or upon any bridges which are under the jurisdiction of and maintained by counties, townships or cities shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between the extreme axles	Maximum load In pounds
4	32,000
5	32,000
6	32,000
7	32,000
8	32,610
9	33,580
10	34,550
11	35,510
12	36,470
13	37,420
14	38,360
15	39,300
16	40,230
17	41,160
18	42,080
19	42,990
20	43,900
21	44,800
22	45,700
23	46,590
24	47,470
25	48,350
26	49,220
27	50,090
28	50,950
29	51,800

30	52,650
31	53,490
32	54,330
33	55,160
34	55,980
35	56,800
36	57,610
37	58,420
38	59,220
39	60,010
40	60,800
41	61,580
42	62,360
43	63,130
44	63,890
45 or over	64,650

The state highways and transportation commission, with respect to bridges on the supplementary system, or the person in charge of supervision or maintenance of the bridges on the county, township or city roads and streets may determine and by official order declare that certain designated bridges do not appear susceptible to unreasonable and unusual damage by reason of such higher weight limits and may legally be subjected to the higher limits in this section.]

Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

[6.] **5.** Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

[7. Additional routes may be designated by the state highways and transportation commission for movement or operation by vehicles or combinations of vehicles having the weights described in subsections 1 and 3 of this section.

[8.] **6.** Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

[9.] **7.** Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo, concrete pump trucks or well-drillers' equipment may be operated on state maintained roads and highways at any time on any day."; and

Further amend said bill, Page 3, Section 304.580, Line 3, by inserting after the word "transportation" the words "**or a contractor performing work for the department of transportation**"; and

Further amend said bill, Page 3, Section 304.580, Line 4, by inserting after the period "." on said line the following:

"The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted."; and

Further amend said bill, Page 4, Section 304.580, Line 35, by inserting after "6." on said line the following:

"The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.

7."; and

Further amend said bill, Page 4, Section 304.580, Line 10, by inserting after "**304.010**," the following: "**or for a passing violation pursuant to subsection 3 of this section,**"; and

Further amend said bill, Page 4, Section 304.580, Line 12, by inserting after the word "**speeding**" the words "**or passing**"; and

Further amend said bill, Page 4, Section 304.580, Line 23, by inserting after the word "**speeding**" the words "**or passing**"; and

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

On motion of Representative Green (15), **House Amendment No. 10** was adopted.

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

Representative Koller 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 Hosmer offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

"The state highway commission shall reduce the speed from 45 to 35 miles per hour on Highway 14 at the east city limit line of Ozark, Missouri to 10th Avenue."; and

Further amend the title and enacting clause accordingly.

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

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

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

"407.565. For the purposes of sections 407.560 to [407.579] **407.581**, if a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, [or] its agent, **the new motor vehicle lessor or any of the manufacturer's authorized motor vehicle dealers and makes the new motor vehicle available for repair** during the term of such express warranties, or during the period of [one year] **eighteen months** following the date of original delivery of the new motor vehicle to the consumer, **or before the new motor vehicle's odometer accurately indicates that the vehicle has traveled eighteen thousand miles**, whichever period expires earlier, the manufacturer, or its agent, shall make such repairs as are necessary to conform the new vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such [one-year] **eighteen-month or eighteen-thousand-mile** period.

407.568. No motor vehicle returned by a consumer or motor vehicle lessor in this state pursuant to section 407.567, or by a consumer or motor vehicle lessor in another state under a similar law of that state, may be sold or leased again in this state unless full disclosure of the reasons for return is made to any prospective buyer or lessee.

407.571. It shall be presumed that a reasonable number of attempts have been undertaken to conform a new motor vehicle to the applicable express warranties if within the terms, conditions, or limitations of the express warranty, or during the period of [one year] **eighteen months** following the date of original delivery of the new motor vehicle to a consumer, **or before the new motor vehicle's odometer accurately indicates that the vehicle has traveled eighteen thousand miles**, whichever expires earlier, either:

(1) The same nonconformity has been subject to repair [four] **three** or more times by the manufacturer, or its agents, and such nonconformity continues to exist; or

(2) The new vehicle is out of service by reason of repair of the nonconformity by the manufacturer, through its authorized dealer or its agents, for a cumulative total of thirty or more [working] days, exclusive of down time for routine maintenance as prescribed by the manufacturer, since delivery of the new vehicle to the consumer. The thirty-day period may be extended by a period of time during which repair services are not available to the consumer because of conditions beyond the control of the manufacturer or its agents.

407.573. 1. The terms, conditions, or limitations of the express warranty, or the period of [one year] **eighteen months** following the date of original delivery of the new motor vehicle to a consumer **or eighteen thousand miles, or before the new motor vehicle's odometer accurately indicates that the vehicle has traveled eighteen thousand miles**, whichever expires earlier, may be extended if the new motor vehicle warranty problem has been reported but has not been repaired by the manufacturer, or its agent, by the expiration of the applicable time period.

2. The manufacturer shall provide information for consumer complaint remedies with each new motor vehicle. It shall be the responsibility of the consumer, or his representative, prior to availing himself of the provisions of sections 407.560 to [407.579] **407.581**, to give written notification to the manufacturer of the need for the repair of the nonconformity, in order to allow the manufacturer an opportunity to cure the alleged defect. The manufacturer shall immediately notify the consumer of a reasonably accessible repair facility of a franchised new vehicle dealer to conform the new vehicle to the express warranty. After delivery of the new vehicle to an authorized repair facility by the consumer, the manufacturer shall have ten calendar days to conform the new motor vehicle to the express warranty. Upon notification from the consumer that the new vehicle has not been conformed to the express warranty, the manufacturer shall inform the consumer if an informal dispute settlement procedure has been established by the manufacturer in accordance with section 407.575. However, if prior notice by the manufacturer of an informal dispute settlement procedure has been given, no further notice is required.

3. Any action brought under sections 407.560 to [407.579] **407.581** shall be commenced within six months following expiration of the terms, conditions, or limitations of the express warranty, or within eighteen months following the date of original delivery of the new motor vehicle to a consumer, whichever is earlier, or, in the event that a consumer resorts to an informal dispute settlement procedure as provided in sections 407.560 to [407.579] **407.581**, within ninety days following the final action of any panel established pursuant to such procedure.

407.577. 1. If a consumer undertakes a court action after complying with the provisions of sections 407.560 to 407.579 and finally prevails in that action, he shall be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended,

determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.

2. If any claim by a consumer under sections 407.560 to 407.579 is found by a court to have been filed in bad faith, or solely for the purpose of harassment, or in the absence of a substantial justifiable issue of either law or fact raised by the consumer, [or for which the final recovery is not at least ten percent greater than any settlement offer made by the manufacturer prior to the commencement of the court action,] then the consumer shall be liable for all costs and reasonable attorney's fees incurred by the manufacturer, or its agent, as a direct result of the bad faith claim.

3. In addition to pursuing any other remedy, a consumer may bring an action to recover damages caused by a violation of sections 407.560 to 407.581. A court shall award a consumer who prevails in such an action twice the amount of any pecuniary loss, together with costs, disbursements and reasonable attorney's fees, and any equitable relief the court deems appropriate.

407.579. 1. Except as provided in subdivision (1) of section 407.560, nothing in sections 407.560 to 407.579 shall in any way limit the rights or remedies which are otherwise available to a consumer at law or in equity.

2. [Sections 407.560 to 407.579 shall apply to any new motor vehicle sold after January 1, 1985.] **Any waiver by a consumer of rights pursuant to sections 407.560 to 407.581 is void.**

3. In addition to pursuing any other remedy, a consumer may bring an action to recover for any damages caused by a violation of this section. The court shall award a consumer who prevails in such an action twice the amount of any pecuniary loss, together with costs, disbursements and reasonable attorney's fees, and any equitable relief the court determines appropriate."; and

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

Representative Reid moved that **House Amendment No. 12** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Baker	Bearden	Boatright	Bonner	Boucher
Britt	Brooks	Byrd	Carnahan	Coleman
Cooper	Copenhaver	Crowell	Cunningham	Enz
Fares	Ford	Fraser	Hanaway	Harding
Hendrickson	Hilgemann	Hohulin	Hollingsworth	Holt
Hosmer	Hunter	Jetton	Johnson 90	Jolly
Kelly 27	Kelly 36	Kennedy	Levin	Lograsso
Monaco	Moore	Murphy	Phillips	Portwood
Reid	Reynolds	Ridgeway	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	St. Onge
Treadway	Troupe	Walton	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 090

Abel	Ballard	Barnett	Barnitz	Bartelsmeyer
Behnen	Berkowitz	Berkstresser	Black	Bland
Bowman	Boykins	Bray 84	Burcham	Burton
Campbell	Champion	Cierpiot	Clayton	Crawford
Crump	Curls	Davis	Farnen	Franklin
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hickey	Holand	Kelley 47	Kelly 144	King
Koller	Legan	Liese	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Myers

Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Purgason	Ransdall	Rector	Reinhart
Relford	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Shoemyer	Smith
Surface	Thompson	Townley	Villa	Vogel
Wagner	Ward	Wiggins	Williams	Wright

PRESENT: 001

Bartle

ABSENT WITH LEAVE: 012

Barry 100	Dempsey	Dolan	Foley	Green 73
Hoppe	Johnson 61	Lawson	Linton	Long
Richardson	Van Zandt			

VACANCIES: 003

Representative Ladd Baker offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

“Section 1. The director of the department of transportation shall have the authority to award grants to local governments for the purpose of obtaining retro reflective sheeting for school warning signs which shall:

- (1) Be fluorescent yellow-green in color;**
- (2) Comply with Section 7B.07 of the Manual on Uniform Traffic Control Devices of the United States Department of Transportation; and**
- (3) Qualify as Type IX retro reflective sheeting as defined by the American Society for the Testing of Materials (ASTM).**

2. The grants awarded pursuant to this section shall be paid from the general revenue fund, subject to appropriation, and may not exceed a total amount of two hundred thousand dollars.

3. To qualify for a grant pursuant to this section, local government entities shall contribute local funds, labor or materials in an amount not less than twenty-five percent of the amount of such community’s grant award.

4. In awarding the grants, the director shall consider the community’s need for assistance based on safety concerns related to traffic control near a school. The director shall also consider awarding grants to public governmental bodies in different regions throughout the state.

5. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 356, RSMo.”; and

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

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

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

Representative Koller raised a point of order that **House Amendment No. 14** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 14

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 4, Section 304.580, Line 36, by inserting immediately after said line the following:

"389.655. 1. Notwithstanding any provision of section 300.360, RSMo, or other laws to the contrary, a railroad, street railroad or light rail shall not operate, stop or place any train, including any locomotive engine, car, or light rail vehicle, which blocks or prevents the public from traveling across the tracks upon any public highway or walkway for more than ten minutes, except when one train is moving continuously across the highway in one direction, when a train is stopped and cannot safely proceed because of an emergency or until it is repaired, or when otherwise ordered by the division.

2. The division and its personnel may enforce this section, pursuant to the provisions of this chapter and chapter 622, RSMo, with regard to any railroad, street railroad or light rail, and every officer or employee thereof that operates, controls, or is responsible for operating or controlling the operation of a train in violation of this section. The authority of the division and its personnel pursuant to this section is exclusive, and preempts any law, ordinance or regulation of any other agency or civil subdivision of the state relating to the blocking of highway crossings by railroad, street railroad or light rail, except that this section shall not affect any court action provided by law for the recovery of damages."; and

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

Representative Townley moved that **House Amendment No. 14** be adopted.

Which motion was defeated.

Representative Crump moved the previous question on the motion to adopt **HCS SS SB 244, as amended**.

Which motion was adopted by the following vote:

AYES: 084

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Coleman	Copenhaver	Crump	Curls
Davis	Farnen	Foley	Ford	Franklin
Fraser	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hosmer	Johnson 61	Johnson 90	Jolly
Kelly 27	Kelly 36	Kennedy	Koller	Lawson
Liese	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	O'Connor	O'Toole	Overschmidt
Ransdall	Relford	Reynolds	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Skaggs
Smith	Thompson	Treadway	Troupe	Villa
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

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NOES: 069

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

PRESENT: 000

ABSENT WITH LEAVE: 007

Dempsey	Hoppe	Long	Reinhart	Richardson
St. Onge	Van Zandt			

VACANCIES: 003

On motion of Representative Koller, **HCS SS SB 244, as amended**, was adopted.

On motion of Representative Koller, **HCS SS SB 244, as amended**, 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	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	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	King	Koller	Lawson
Legan	Levin	Liese	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	Rizzo	Roark

Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	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	Dempsey	Kennedy	Linton	Lograsso
Long	Richardson	Ridgeway	St. Onge	Van Zandt

VACANCIES: 003

Speaker Kreider declared the bill passed.

COMMITTEE REPORTS

Committee on Children, Families and Health, Chairman Barry reporting:

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCS SBs 44 & 59**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SS SCS SBs 46 & 47**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCS SB 136**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SS SCS SBs 551, 410, 539, 528 & 296**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Commerce and Economic Development, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred **SCS SB 317**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Criminal Law, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SS SCS SBs 89 & 37**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SS SCS SBs 214, 124, 209 & 322**, 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 **SB 32**, 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. 32, Page 1, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 162.481 and 162.790, RSMo 2000, and to enact in lieu thereof two new sections relating to school districts."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 162.481 and 162.790, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.481 and 162.790, to read as follows:"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the

urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998."; and

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

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

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HR 1894**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 1894

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

WHEREAS, the Sue Shear Institute for Women in Public Life encourages Missouri college women to consider careers in public policy and provides them with skills and training in becoming successful future leaders, department heads, and public policy advocates; and

WHEREAS, the Sue Shear Institute for Women in Public Life is conducting their 21st Century Leadership Training Program on May 23, 2001, which includes a mock legislative session:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-first General Assembly, hereby grant the Sue Shear Institute for Women in Public Life permission to use the House Chamber on Wednesday, May 23, 2001, from 10:00 a.m. until 12:00 p.m. for their 21st Century Leadership Training Program to conduct a mock legislative session.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SCS SB 578**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SCS SBs 52 & 91**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 and House Committee Amendment No. 2**.

House Committee Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill Nos. 52 & 91, Page 1, In the Title, Line 9, by inserting after the word "provisions" the following: "**and an emergency clause**"; and

Further amend said bill, Pages 20 and 21, Section 302.130, Lines 1 to 69, by deleting all of said lines and inserting in lieu thereof the following:

"302.130. 1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent [or], guardian, **a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program** who has a valid driver's license. Beginning January 1, 2001, an applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2001, no permit shall be granted pursuant to this subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will provide a minimum of twenty hours of behind-the-wheel driving instruction. **The twenty hours of behind-the-wheel driving instruction that is completed pursuant to this subsection may include any time that the holder of an instruction permit has spent operating a motor vehicle in a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program. If the applicant for a permit is enrolled in a federal residential job training program, the instructor, as defined in subsection 5 of this section, is authorized to sign the application stating that the applicant will receive the behind-the-wheel driving instruction required by this section.**

2. In the event the parent, grandparent or guardian of the person under sixteen years of age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted.

3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver.

4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

5. In the event that the applicant for a temporary instruction permit described in subsection 1 of this section is a participant in a federal residential job training program, the permittee may operate a motor vehicle accompanied by a driver training instructor who holds a valid driver education endorsement issued by the department of elementary and secondary education and a valid driver's license.

6. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program

taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program.

7. The director may adopt rules and regulations necessary to carry out the provisions of this section."; and

Further amend said bill, Pages 21 to 24, Section 302.178, Lines 1 to 89, by deleting all of said lines and inserting in lieu thereof the following:

"302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 3 of this section;
- (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
- (4) Have a parent, grandparent [or], legal guardian, **or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program**, sign the application stating that the applicant has completed at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:
 - (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;
 - (b) Has been declared emancipated by a court of competent jurisdiction;
 - (c) Enters active duty in the armed forces;
 - (d) Has written consent to the emancipation from the custodial parent or legal guardian; or
 - (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;
- (5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and
- (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle.

3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement program approved by the director of the department of public safety. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) The director of revenue shall deny an application for a full driver's license until the person has had no traffic

convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

6. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

7. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend said bill, Page 44, Section 577.020, Line 62, by inserting after all of said line the following:

"Section B. Because proper driving instruction is important to creating safe drivers, sections 302.130 and 302.178 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 302.130 and 302.178 of this act shall be in full force and effect upon its passage and approval."; and

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

House Committee Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill Nos. 52 & 91, Page 39, Section 304.580, Lines 45 and 46, by striking all words on said line after word "**message:**"; and

Further amend said section, Line 46, by striking all of said line and inserting in lieu thereof the following:

"Warning: \$250 fine for speeding or passing in this workzone."; and

Further amend said bill, page and section, Line 49, by inserting after the word "ten" the words "**or more**".

Committee on Municipal Corporations, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **SB 430**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Urban Affairs, Chairman Curls reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 76**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS SCS SBs 46 & 47 - Fiscal Review and Government Reform (Fiscal Note)
HCS SS SCS SBs 89 & 37 - Fiscal Review and Government Reform (Fiscal Note)
HCS SS SCS SBs 214, 124, 209 & 322 - Fiscal Review and Government Reform (Fiscal Note)
HCS SS SCS SBs 551, 410, 539, 528 & 296 - Fiscal Review and Government Reform (Fiscal Note)
SCS SB 578 - Fiscal Review and Government Reform (Fiscal Note)
SB 32 - Fiscal Review and Government Reform (Fiscal Note)

COMMITTEE CHANGE

The Speaker submitted the following Committee change:

Representative Bland has been appointed Vice-chair of the Workers Compensation and Employment Security Committee.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 462

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on House Committee Substitute for Senate Bill No. 462, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendment Nos. 8, 9, 10, 11, 12, 14, 17, 18 and 19; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 462, as amended;
2. That the Senate recede from its position on Senate Bill No. 462; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 462 be Truly Agreed To and Finally Passed.

FOR THE HOUSE:

/s/ Kenneth Legan
/s/ Peter Myers
/s/ Wes Shoemyer
/s/ Frank Barnitz
/s/ Denny Merideth

FOR THE SENATE:

/s/ Morris Westfall
/s/ Bill Foster
/s/ John Cauthorn
/s/ Sidney Johnson
/s/ Ted House

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:30 a.m., Wednesday, May 16, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Seventy-third Day, Monday, May 14, 2001, pages 1984 and 1985, roll call, by showing Representatives Graham and Myers voting "aye" rather than "absent with leave".

Pages 1988 and 1989, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".

Pages 1988 and 1989, roll call, by showing Representatives Champion and Graham voting "aye" rather than "absent with leave".

Pages 1989 and 1990, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1990 and 1991, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1996 and 1997, roll call, by showing Representatives Hosmer and Moore voting "aye" rather than "absent with leave".

Pages 2044 and 2045, roll call, by showing Representatives Franklin, Froelker and Surface voting "no" rather than "absent with leave".

Pages 2067 and 2068, roll call, by showing Representatives Enz, Franklin, Froelker and Hosmer voting "no" rather than "absent with leave".

Page 2088, roll call, by showing Representatives Berkstresser and Copenhaver voting "aye" rather than "absent with leave".

Page 2089, roll call, by showing Representative Copenhaver voting "aye" rather than "absent with leave".

Pages 2090 and 2091, roll call, by showing Representatives Barry and Hosmer voting "aye" rather than "absent with leave".

Pages 2090 and 2091, roll call, by showing Representative Froelker voting "no" rather than "absent with leave".

Pages 2093 and 2094, roll call, by showing Representative Curls voting "present" rather than "aye".

Pages 2101 and 2102, roll call, by showing Representatives Coleman and Liese voting "aye" rather than "absent with leave".

Pages 2101 and 2102, roll call, by showing Representative Berkstresser voting "aye" rather than "no".

Pages 2105 and 2106, roll call, by showing Representatives Carnahan, Franklin, Hosmer and Smith voting "aye" rather than "absent with leave".

Pages 2108 and 2109, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Pages 2129 and 2130, roll call, by showing Representatives Crowell and Hosmer voting "aye" rather than "absent with leave".

Pages 2129 and 2130, roll call, by showing Representative Froelker voting "no" rather than "absent with leave".

Pages 2129 and 2130, roll call, by showing Representative Ward voting "aye" rather than "no".

Pages 2130 and 2131, roll call, by showing Representative Reynolds voting "no" rather than "absent with leave".

Pages 2131 and 2132, roll call, by showing Representative Wilson (42) voting "aye" rather than "absent with leave".

Pages 2132 and 2133, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

CIVIL AND ADMINISTRATIVE LAW

Wednesday, May 16, 2001. Hearing Room 1 upon morning adjournment.
Executive Session.

ETHICS

Wednesday, May 16, 2001. Side gallery upon morning adjournment.
Additions and approvals.

FISCAL REVIEW AND GOVERNMENT REFORM

Wednesday, May 16, 2001. Hearing Room 3 upon morning adjournment.
Fiscal Review (Fiscal Note).
To be considered - SB 125

HOUSE CALENDAR

SEVENTY-FIFTH DAY, WEDNESDAY, MAY 16, 2001

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)
- 18 HB 63 - Reynolds
- 19 HCS HB 93 - Gaskill

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 CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 18, (5-14-01) - Barry

HOUSE BILLS FOR THIRD READING

- 1 HB 527, (Fiscal Review 4-19-01) - Luetkenhaus
- 2 HB 366, E.C. - Champion
- 3 HS HB 286, E.C. - Smith
- 4 HS HB 715 - Foley

SENATE JOINT RESOLUTIONS FOR THIRD READING

- 1 HCS SS SCS SJR 1 & 4 - O'Toole
- 2 SS SJR 9 - Gambaro

SENATE BILLS FOR THIRD READING

- 1 HS HCS SB 125, as amended (Fiscal Review 5-10-01) - Hoppe
- 2 SB 370, HCA 1 - Smith
- 3 HCS SB 365 - Overschmidt
- 4 HCS SCS SB 591 - Hoppe
- 5 HCS SCS SB 617 - Rizzo
- 6 HCS SB 288, E.C. - Monaco
- 7 SCS SB 393, E.C. - Treadway
- 8 SCS SB 374 - Ransdall
- 9 HCS SS SCS SB 48 - Hollingsworth
- 10 SS#2 SCS SB 22 & 106, E.C. - Scheve
- 11 SS SCS SB 351, HCA 1 - Hosmer
- 12 HCS SCS SB 10 - Monaco
- 13 HCS SB 275 - Levin
- 14 SB 470, HCA 1 - O'Toole
- 15 SCS SB 387, HCA 1, E.C. - Mays (50)
- 16 HCS SCS SB 186 - Liese

- 17 SCS SB 52 & 91, HCA 1 & HCA 2 - Koller
- 18 HCS SS SCS SB 89 & 37, (Fiscal Review 5-15-01) - Hosmer
- 19 HCS SCS SB 44 & 59 - Monaco
- 20 HCS SCS SB 136 - Barry
- 21 HCS SS SCS SB 214, 124, 209 & 322, (Fiscal Review 5-15-01) - Hosmer
- 22 HCS SS SCS SB 551, 410, 539, 528 & 296, (Fiscal Review 5-15-01) - Barry
- 23 HCS SS SCS SB 46 & 47, E.C. (Fiscal Review 5-15-01) - Barry
- 24 SCS SB 578, (Fiscal Review 5-15-01) - Green (73)
- 25 HCS SCS SB 317 - Hollingsworth
- 26 SB 430 - Carnahan
- 27 SB 76 - Rizzo
- 28 SB 32, HCA 1 (Fiscal Review 5-15-01) - Merideth

SENATE BILLS FOR THIRD READING - INFORMAL

- 1 SB 123 - Hampton
- 2 SB 416 - Wagner
- 3 HCS SB 392 - Rizzo
- 4 HCS SS SCS SB 433 & 248 - Hoppe
- 5 HCS SS SCS SB 476, 427 & 62, (Fiscal Review 5-14-01) - Seigfreid
- 6 HCS SS SCS SB 226 - Foley
- 7 HCS SCS SB 486 & SB 422 - Hoppe

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 955, SCA 1 - Green (73)
- 2 SCS HCR 24 - Boucher
- 3 SCS HB 157 - Hosmer
- 4 SS SCS HS HB 381, as amended - Hoppe
- 5 SCS HS HCS HB 107, as amended - Clayton
- 6 HB 769, SAs 1,2,3,4,5,& 6 - Harlan
- 7 SCS HB 626 - Hosmer
- 8 SCS HCS HB 660, as amended, E.C. - Hagan-Harrell
- 9 HB 262, SCA 1, SA 2, SA 3, SA 1 to SA 4, SA 4, as amended - Linton

BILLS CARRYING REQUEST MESSAGES

- 1 SS SCS HB 453, as amended (request Senate recede/grant conference) - Ransdall
- 2 HB 621, SCA 1 & SA 1(request Senate recede/grant conference) - Gratz
- 3 SCS HCS HB 241, as amended (request Senate recede/grant conference) - Smith
- 4 HS HCS SCS SB 236, as amended (House refuses to recede/req Senate take up and pass bill) - Ladd Baker

BILLS IN CONFERENCE

- 1 CCR HCS SB 462, as amended, E.C. - Legan
- 2 CCR HCS SS SB 193, as amended - Ward
- 3 HCS SB 610 - Hoppe
- 4 CCR SCS HCS HB 302 & 38, as amended, E.C. - Hosmer
- 5 CCR HCS SB 319, as amended - Johnson (61)
- 6 HCS SB 304 - Monaco
- 7 CCR#2 HCS SCS SB 151 - Gaskill
- 8 CCR SCS HCS HB 205, 323 & 549 - Relford
- 9 CCR HCS SB 274 - Harlan
- 10 HS HCS SB 460, as amended, E.C. - Kennedy
- 11 HS HCS SB 72, as amended - Smith

HOUSE RESOLUTION

HR 1894, (5-15-01) - Riback Wilson (25)