

# **JOURNAL OF THE HOUSE**

Second Regular Session, 92nd GENERAL ASSEMBLY

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FIFTY-FIRST DAY, WEDNESDAY, APRIL 14, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, it is written, "A nation without God's guidance is a nation without order. Happy are those who keep God's law!" Stir up, in us, confidence in Your Word that we may indeed be guided by it and dwell in peace.

Even when answers are not immediately forthcoming, we rest in the hope that today is the day of divine wisdom, understanding, and insight.

Protect us from the hypnotic hum of activities that make the eyes of our heart grow heavy and uncaring. We receive from Your abundant and unlimited resources.

And now unto You be glory both now and forever....

In the name of Your Son we pray. 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: Drew Vines, Josh Baehr, Drew Glick, Mitchell Brems, Tanner McKay, Jerry Hudgens, Jr., Kasey Hudgens, Chris Becherer, Caroline Marshak, Steven Krost, Charity McMurray, Allison Dyer, Cassie Van Bebber, Bryan Moon, Sierra Simmons and Taylor Simmons.

The Journal of the fiftieth day was approved as printed.

## **SPECIAL RECOGNITION**

Ashlea Elizabeth Stieferman was introduced by Representative Moore and recognized as an Outstanding Missouri Student.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1699

through

House Resolution No. 1713 - Representative Swinger

House Resolution No. 1714  
through  
House Resolution No. 1722 - Representative Lager  
House Resolution No. 1723 - Representatives Bearden and Schneider  
House Resolution No. 1724 - Representative Pearce  
House Resolution No. 1725 - Representative Carnahan  
House Resolution No. 1726 - Representative Zweifel  
House Resolution No. 1727 - Representative Quinn  
House Resolution No. 1728 - Representative Cooper (155)

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1732**, introduced by Representatives Parker, Schoemehl and Cunningham (86), relating to the school foundation formula.

**HB 1733**, introduced by Representatives Parker and Wilson (42), relating to concealed firearms.

**HB 1734**, introduced by Representatives Munzlinger, Behnen, Shoemaker, Goodman, Hobbs and Whorton, relating to the publication of public advertisements and orders of publication.

### SECOND READING OF HOUSE BILLS

**HB 1730** and **HB 1731** were read the second time.

### HOUSE BILL WITH SENATE AMENDMENTS

**SS#2 SS SCS HS HCS HB 1304, as amended**, relating to tort reform, was taken up by Representative Byrd.

Representative Byrd moved that the House refuse to adopt **SS#2 SS SCS HS HCS HB 1304, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Representative Johnson (90) made a substitute motion that the House refuse to adopt **SS#2 SS SCS HS HCS HB 1304, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference and that the House conferees be bound to Senate Amendment No. 2.

#### *Senate Amendment No. 2*

AMEND Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 1, In the Title, Line 6, by said title, by inserting immediately after the word "thereof" the following:

“, with an emergency clause for certain sections”; and

Further amend said bill and page, Section A, Line 7 of said page, by inserting immediately after said line the following:

**“135.163. 1. For all tax years beginning on or after January 1, 2005, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2004.**

**2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.**

**3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. 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, 2004, shall be invalid and void.**

**4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year.”; and**

Further amend said bill, Page 2, Section 355.176, Line 14 of said page, by inserting immediately after said line the following:

**“379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:**

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;**
- (2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;**
- (3) Insurance against loss or damage to aircraft;**
- (4) All forms of motor vehicle insurance; and**
- (5) All forms of life, accident and health, [and] workers' compensation insurance, and medical malpractice liability insurance.**

**2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.**

**3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321.**

**383.112. Any insurer or self-insured health care provider that fails to timely report claims information as required by sections 383.100 to 383.125 shall be subject to the provisions of section 374.215, RSMo.**

**383.150. As used in sections 383.150 to 383.195, the following terms shall mean:**

(1) "Association" [means], the joint underwriting association established pursuant to the provisions of sections 383.150 to 383.195;

(2) **"Competitive bidding process", a process under which the director seeks, and insurers may submit, rates at which insurers guarantee to provide medical malpractice liability insurance to any health care provider unable to obtain such insurance in the voluntary market;**

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

[(3)] (4) "Health care provider" includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

[(4)] (5) "Medical malpractice insurance" [means], insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider;

[(5)] (6) "Net direct premiums" [means], gross direct premiums written on casualty insurance in the state of Missouri by companies authorized to write casualty insurance under chapter 379, RSMo 1969, in the state of Missouri, less return premiums thereon and dividends paid or credited to policyholders on such direct business.

**383.151. When the department determines after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market, the director shall establish a method for providing such insurance to such health care providers. The director may:**

(1) Establish a competitive bidding process under which insurers may submit rates at which they agree to insure such health care providers; or

(2) Establish any other method reasonably designed to provide insurance to such health care providers.

**383.200. 1. As used in sections 383.200 to 383.225, the following terms mean:**

(1) "Director", the same meaning as such term is defined in section 383.100;

(2) "Health care provider", the same meaning as such term is defined in section 383.100;

(3) "Insurer", an insurance company licensed in this state to write liability insurance, as described in section 379.010, RSMo;

(4) "Medical malpractice insurance", the same meaning as such term is defined in section 383.200.

**2. The following standards and procedures shall apply to the making and use of rates pertaining to all classes of medical malpractice insurance:**

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory. A rate is excessive if it is unreasonably high for the insurance provided. A rate is inadequate if it is unreasonably low for the insurance provided and continued use of it would endanger the solvency of the company. A rate is unfairly discriminatory if it does not reflect equitably differences in reasonably expected losses and expenses;

(2) (a) Every insurer that desires to increase a rate by less than fifteen percent shall file such rate, along with data supporting the rate change as prescribed by the director, no later than thirty days after such rate becomes effective. Filings under this paragraph shall not be subject to approval or disapproval by the director.

(b) Every insurer that desires to increase a rate by fifteen percent or more shall submit a complete rate application to the director. A complete rate application shall include all data supporting the proposed rate and such other information as the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this act.

(c) Every insurer that has filed a rate increase under paragraph (a) of this subdivision for two consecutive years and in the third year desires to file a rate increase which in the aggregate over the three-year period will equal or exceed a total rate increase of forty percent or more shall be required to submit a complete rate application under paragraph (b) of this subdivision.

(d) Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the fourth year in an amount not to exceed a twenty-five percent increase without being required to submit a complete rate application under paragraph (b) of this subdivision;

(3) The director of insurance shall promulgate rules setting forth standards that insurers shall adhere to in calculating their rates. Such rules shall:

(a) Establish a range within which an expected rate of return shall be presumed reasonable;

(b) Establish a range within which categories of expenses shall be presumed reasonable;

(c) Establish a range for the number of years of experience an insurer may consider in determining an appropriate loss development factor;

(d) Establish a range for the number of years of experience an insurer may consider in determining an appropriate trend factor;

(e) Establish a range for the number of years of experience an insurer may consider in determining an appropriate increased limits factor;

(f) Establish the proper weights to be given to different years of experience;

(g) Establish the extent to which an insurer may apply its subjective judgment in projecting past cost data into the future;

(h) Establish any other standard deemed reasonable and appropriate by the director;

(4) The director shall require an insurer to submit with any rate change application:

(a) A comparison, in a form prescribed by the director, between the insurer's initial projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which such data is available;

(b) A memorandum explaining the methodology the insurer has used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect. The director shall disapprove any rate application that does not fully reflect all such income;

(5) The director shall notify the public of any application from an insurer seeking a rate increase of fifteen percent or more, and shall hold a hearing on such application within forty-five days of such notice. The application shall be deemed approved ninety days after such notice unless it is disapproved by the director after the hearing;

(6) If after a hearing the director finds any rate of an insurer to be excessive, the director may order that the insurer discontinue the use of the rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

3. For insurers required to file pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, if there is insufficient experience within the state of Missouri upon which a rate can be based with respect to the classification to which such rate is applicable, the director may approve a rate increase that considers experiences within any other state or states which have a similar cost of claim and frequency of claim experience as this state. If there is insufficient experience within Missouri or any other states which have similar cost of claim and frequency of claim experience as Missouri, nationwide experience may be considered. The insurer in its rate increase filing shall expressly show the rate experience it is using.

4. All information provided to the director under this section shall be available for public inspection.

5. The remedies set forth in this chapter shall be in addition to any other remedies available under statutory or common law.

6. 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, 2004, shall be invalid and void.

383.205. For all medical malpractice insurance policies written for insureds in the state of Missouri, the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one.

383.210. In determining the premium paid by any health care provider, a medical malpractice insurer shall apply a credit or debit based on the provider's loss experience, or shall establish an alternative method giving due consideration to the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance. No medical malpractice insurer may use any rate or charge any premiums unless it has filed such schedule or alternative method with the director of insurance and the director has approved such schedule or alternative method. A debit shall be based only on those claims that have been paid on behalf of the provider.

383.215. On or before March first of each year, every insurer providing medical malpractice insurance to a health care provider shall file the following information with the director of insurance:

(1) Information on closed claims:

(a) The number of new claims reported during the preceding calendar year, and the total amounts of reserve for such claims and for allocated loss adjustment expenses in connection with such claims;

(b) The number of claims closed during the preceding year, and the amount paid on such claims, detailed as follows:

a. The number of claims closed each year with payment, and the amount paid on such claims and on allocated loss adjustment expenses in connection with such claims;

b. The number of claims closed each year without payment, and the amount of allocated loss adjustment expenses in connection with such claims;

(2) Information regarding judgments, payment, and severity of injury in connection with judgements:

(a) For each judgment rendered against an insurer for more than one hundred thousand:

a. The amount of the judgment and the amount actually paid to the plaintiff;

b. The category of injury suffered by the plaintiff. Injuries shall be categorized as follows:

Category 1: Temporary injury, emotional only.

Category 2: Temporary insignificant injury, including lacerations, contusions, minor scars, and rash.

Category 3: Temporary minor injury, including infections, missed fractures, and falls in hospitals.

Category 4: Temporary major injury, including burns, left surgical material, drug side effects, and temporary brain damage.

Category 5: Permanent minor injury, including loss of fingers, and loss or damage to organs.

Category 6: Permanent significant injury, including deafness, loss of limb, loss of eye, and loss of one kidney or lung.

Category 7: Permanent major injury, including paraplegia, blindness, loss of two limbs, and brain damage.

Category 8: Permanent grave injury, including quadriplegia, severe brain damage, and any injury requiring lifelong care or having a fatal prognosis.

Category 9: Death;

(3) Information on each rate change implemented during the preceding five-year period by state and medical specialty;

(4) Information on premiums and losses by medical specialty:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics by medical specialty;

(b) Number of providers insured in each medical specialty;

(5) Information on premiums and losses by experience of the insured:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics as follows:

a. As to all insureds with no incidents within the preceding five-year period;

b. As to all insureds with one incident within the preceding five-year period;

c. As to all insureds with two incidents within the preceding five-year period;

d. As to all insureds with three or more incidents within the preceding five-year period;

(b) Number of providers insured:

a. With no incidents within the preceding five-year period;

b. With one incident within the preceding five-year period;

c. With two incidents within the preceding five-year period;

d. With three or more incidents within the preceding five-year period;

(6) Information on the performance of the investments of the insurer, including the value of the investments held in the portfolio of the insurer as of December thirty-first of the preceding calendar year, and the rate of return on such investments, detailed by category of investment as follows:

(a) United States government bonds;

(b) Bonds exempt from federal taxation;

(c) Other unaffiliated bonds;

(d) Bonds of affiliates;

(e) Unaffiliated preferred stock;

(f) Preferred stock of affiliates;

(g) Unaffiliated common stock;

(h) Common stock of affiliates;

(i) Mortgage loans;

(j) Real estate; and

(k) Any additional categories of investments specified by the director of insurance.

383.220. 1. On or before July 1, 2005, and after consultation with the medical malpractice insurance industry, the director shall establish an interactive Internet site which will enable any health care provider

licensed in this state to obtain a quote from each medical malpractice insurer licensed to write the type of coverage sought by the provider.

2. The Internet site shall enable health care providers to complete an online form that captures a comprehensive set of information sufficient to generate a quote for each insurer. The director shall develop transmission software components which allow such information to be formatted for delivery to each medical malpractice insurer based on the requirements of the computer system of the insurer.

3. The director shall integrate the rating criteria of each insurer into its online form after consultation with each insurer using one of the following methods:

- (1) Developing a customized interface with the insurer's own rating engine;
- (2) Accessing a third-party rating engine of the insurer's choice;
- (3) Loading the insurer's rating information into a rating engine operated by the director;
- (4) Any other method agreed on between the director and the insurer.

4. After a health care provider completes the online form, the provider will be presented with quotes from each medical malpractice insurer licensed to write the coverage requested by the provider.

5. Quotes provided on the Internet site shall at all times be accurate. When an insurer changes its rates, such rate changes shall be implemented at the Internet site by the director, in consultation with the insurer, as soon as practicable but in no event later than ten days after such changes take effect. During any period in which an insurer has changed its rates but the director has not yet implemented such changed rates on the Internet site, quotes for that insurer shall not be obtainable at the Internet site.

6. The director shall design the Internet site to incorporate user-friendly formats and self-help guideline materials, and shall develop a user-friendly Internet user-interface.

7. The Internet site shall also provide contact information, including address and telephone number, for each medical malpractice insurer for which a provider obtains a quote at the Internet site.

8. By December 31, 2005, the director shall submit a report to the general assembly on the development, implementation, and affects of the Internet site established by this section. The report shall be based on:

(1) The director's consultation with health care providers, medical malpractice insurers, and other interested parties; and

(2) The director's analysis of other information available to the director, including a description of the director's views concerning the extent to which the information provided through the Internet site has contributed to increasing the availability of medical malpractice insurance and the effect the Internet site has had on the cost of medical malpractice insurance.

383.225. Each insurer shall file with the director of insurance new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision of this act.

383.230. Insurers writing medical malpractice insurance shall provide insured health care providers with written notice of any increase in renewal premium rates at least ninety days prior to the date of the renewal. At a minimum, the notice shall be sent by first class mail at least ninety days prior to the date of renewal and shall contain the insured's name, the policy number for the coverage being renewed, the total premium amount being charged for the current policy term, and the total premium amount being charged to renew the coverage.

383.600. 1. Sections 383.600 to 383.655 shall be known as the "Missouri Physicians Mutual Insurance Company Act".

2. As used in sections 383.600 to 383.655 the following words mean:

- (1) "Administrator", the chief executive officer of the Missouri physicians mutual insurance company;
- (2) "Board", the board of directors of the Missouri physicians mutual insurance company;
- (3) "Company", the Missouri physicians mutual insurance company.

383.610. The "Missouri Physicians Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.131, RSMo. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.799, RSMo, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 383.600 to 383.655. The company shall use flexibility and experimentation in the development of types of policies and coverages offered to physicians and their employees, subject to the approval of the director of the department of insurance.

383.615. 1. There is hereby created a board of directors for the company. The board shall be appointed by January 1, 2005, and shall consist of nine members appointed or selected as provided in this section. The governor shall appoint the initial nine members of the board with the advice and consent of the senate. Each director shall serve a seven-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The nine directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policy holders shall elect a new director in accordance with provisions determined by the board.

2. Any person may be a director who:

(1) Does not have any interest as a stockholder, employee, attorney, agent, broker, or contractor of an insurance entity who writes medical liability insurance, or whose affiliates write medical liability insurance;

(2) Is of good moral character and who has never pleaded guilty to, or been found guilty of a felony;

(3) Is not employed by or affiliated with, the state of Missouri, any hospital, health maintenance organization, or other entity providing any type of insurance in this state.

3. There shall be one member from each congressional district of the state. Further, two members shall be doctors of osteopathic medicine duly licensed to practice in the state of Missouri, three members shall be medical doctors licensed to practice in this state, one member shall be a nurse licensed to practice in this state, one member shall be an attorney licensed to practice by the Missouri supreme court, and one member shall have insurance experience.

4. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.

5. The company shall pay to the board members their expenses incurred in the business of the company or the board and a stipend in a sum set by the board, but not more than one thousand dollars per meeting or the board or committee or subcommittee thereof attended by the member.

383.620. 1. By January 1, 2005, the board shall hire an administrator who shall serve at the pleasure of the board and the company shall be fully prepared to be in operation by January 1, 2005, and assume its responsibilities by that date. The administrator shall receive compensation as established by the board and must have such qualifications as the board deems necessary. The administrator shall not be a physician.

2. The board is vested with full power, authority, and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.

383.625. 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or the administrator's designee shall be the custodian of the moneys of the company and all premiums, deposits, or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer, or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management, or conduct of the company or affairs relating to it.

383.630. The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a program that shall be neither more nor less than self-supporting.

383.635. The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.

383.640. Any insurance producer licensed to sell professional negligence insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company and



upon the approval of the board. The board shall establish a schedule of commissions to pay for the services of the producer.

383.645. 1. The administrator shall formulate, implement, and monitor a program to decrease medical negligence by physicians and their staff for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders and the professional organizations related to the medical field, education and training seminars and other programs that provide training to physicians and their staffs.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to attend such seminars or training or refuses to require their staff to attend such seminars or training as required by the board for its policyholders. The cost of said training seminars or a part thereof may be paid by the company.

383.650. 1. The company shall not receive any state appropriations, directly or indirectly, except as provided in this section.

2. After October 1, 2004, ten million dollars of the moneys received from the master settlement agreement, as defined in section 196.1000, RSMo, shall be used to make loans for start-up funding and initial capitalization of the company. The state legislature shall place such moneys in a special fund under the supervision of the Missouri state treasurer called the "Physicians Mutual Insurance Company Loan Fund" in the appropriations for the appropriate fiscal year. The board of the company shall make application to the treasurer for the loans, stating the amount to be loaned to the company. The loans shall be for a term of ten years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758, RSMo.

3. In order to provide funds for the creation, continued development, and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed fifty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

4. The board may issue bonds to refund other bonds issued pursuant to this section.

5. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants, and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

6. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

7. The proceeds of the bonds and the earnings of those proceeds shall be used by the board for the development and operation of the Missouri Physicians Mutual Insurance Company, to pay expenses incurred in the preparation, issuance, and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

8. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

9. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

10. An amount of money from the sources specified in subsection 3 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.

11. The bonds shall be legal investment for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.

12. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.

13. Not more than fifty percent of the bonds sold shall be sold to public entities.

383.655. 1. The board shall cause an annual audit of the books of accounts, funds, and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of insurance and the administrator. The audit shall be open to the public for inspection.

2. The board shall submit an annual independently audited report in accordance with the procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each

year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.

3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.

4. The incurred loss experience and expense of the company shall be ascertained each year to include, but not be limited to, estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an insured policyholder, who has been insured with the company in accordance with criteria approved by the board, which may account for insured's record and claims history.

5. The department of insurance shall conduct an examination for the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of insurance in the same manner as private insurance carriers, except as provided by the director.

6. For the purpose of ascertaining such information as the administrator may require in the proper administration of the company, the records of each policyholder and insured of the company shall be always open to inspection by the administrator or the administrator's duly authorized agent or representative.

7. Every person provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be furnished with a policy showing the date on which the insurance becomes effective.”; and

Further amend the title and enacting clause accordingly.

Representative Johnson (90) again moved that House refuse to adopt **SS#2 SS SCS HS HCS HB 1304, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference and that the House conferees be bound to Senate Amendment No. 2.

Which motion was defeated by the following vote:

AYES: 066

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	El-Amin	Fraser	Graham	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	LeVota
Liese	Lowe	McKenna	Meadows	Muckler
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Spreng	Swinger	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

NOES: 091

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Brown	Bruns

Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Ervin	Fares	Goodman	Green	Guest
Hobbs	Holand	Hunter	Icet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lawson	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Shoemaker	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Townley	Viebrock	Wallace	Wasson
Wilson 119	Wilson 130	Wood	Wright	Yates
Madam Speaker				

PRESENT: 002

Meiners                      Skaggs

ABSENT WITH LEAVE: 004

Avery                      Brooks                      George                      Portwood

Representative Pratt assumed the Chair.

Representative Byrd again moved that the House refuse to adopt **SS#2 SS SCS HS HCS HB 1304, 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.

### PERFECTION OF HOUSE BILL

**HCS HB 1195**, relating to professional registration, was taken up by Representative Behnen.

Representative Behnen offered **HS HCS HB 1195**.

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

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 1195, Pages 29 and 30, Section 332.032, by deleting all of said section and inserting in lieu thereof the following:

"332.086. 1. There is hereby established a five-member "Advisory Commission for Dental Hygienists", composed of dental hygienists appointed by the governor as provided in subsection 2 of this section and the dental hygienist member of the Missouri dental board, which shall guide, advise and make recommendations to the Missouri dental board. The commission shall:

- (1) Recommend the educational requirements to be registered as a dental hygienist;
- (2) Annually review the practice act of dental hygiene;

(3) Make recommendations to the Missouri dental board regarding the practice, licensure, examination and discipline of dental hygienists; and

(4) Assist the board in any other way necessary to carry out the provisions of this chapter as they relate to dental hygienists.

2. The members of the commission shall be appointed by the governor with the advice and consent of the senate. Each member of the commission shall be a citizen of the United States and a resident of Missouri for one year and shall be a dental hygienist registered and currently licensed pursuant to this chapter. Members of the commission who are not also members of the Missouri dental board shall be appointed for terms of five years, except for the members first appointed, one of which shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years. The dental hygienist member of the Missouri dental board shall become a member of the commission and shall serve a term concurrent with the member's term on the dental board. All members of the initial commission shall be appointed by April 1, 2002. Members shall be chosen from lists submitted by the director of the division of professional registration. Lists of dental hygienists submitted to the governor may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists Association.

3. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The commission shall meet in conjunction with the dental board meetings or no more than fourteen days prior to regularly scheduled dental board meetings. Additional meetings shall require a majority vote of the commission. A quorum of the commission shall consist of a majority of its members.

4. Members of the commission shall [serve without] **receive as compensation [but] an amount set by the Missouri dental board not to exceed fifty dollars for each day devoted to the duties of the commission** and shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties on the commission and in attending meetings of the Missouri dental board. The Missouri dental board shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts, and to conduct all other business of the commission."; and

Further amend said bill, Page 98, Section 374.695, Lines 1 to 3 of said page, by deleting all of said section; and

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

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

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

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 1195, Pages 2 to 4, Section 209.309, by deleting all of said section; and

Further amend said bill, Page 6, Section 209.321, Lines 2 to 5, by deleting all of said lines; and

Further amend said bill, Page 6, Section 209.322, Lines 11 to 14, by deleting all of said lines and inserting in lieu thereof the following:

"(CI/CT) and Certified Deaf Interpreter (CDI); and

(2) National Association of the Deaf (NAD) certificate levels 3, 4 and 5."; and

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

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

Which motion was defeated by the following vote:

AYES: 064

Barnitz	Bishop	Bland	Bringer	Brooks
Burnett	Campbell	Carnahan	Corcoran	Crawford
Curls	Darrough	Daus	Davis 122	Dixon
Donnelly	Dougherty	El-Amin	Fares	George
Goodman	Graham	Green	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hoskins	Hubbard
Johnson 90	Jolly	Kelly 36	Kratky	Kuessner
Lawson	Liese	Lowe	Meadows	Meiners
Moore	Muckler	Page	Sager	Schoemehl
Seigfreid	Shoemyer	Skaggs	Spreng	Swinger
Villa	Vogt	Walker	Walsh	Walton
Ward	Whorton	Wildberger	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	

NOES: 080

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Boykins	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dusenberg	Emery	Engler	Ervin
Guest	Hobbs	Holand	Hunter	Iceet
Jackson	Jetton	Johnson 47	Kelly 144	King
Kingery	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Miller	Morris	Munzlinger
Myers	Nieves	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Self	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Taylor
Threlkeld	Townley	Wallace	Wasson	Wilson 119
Wilson 130	Wood	Wright	Yates	Madam Speaker

PRESENT: 003

Fraser	Sutherland	Viebrock
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ABSENT WITH LEAVE: 016

Abel	Avery	Hampton	Johnson 61	Jones
LeVota	Mayer	McKenna	Parker	Ransdall
Salva	Selby	Shoemaker	Thompson	Wagner
Willoughby				

**HCS HB 1195, with HS, as amended, pending, was laid over.**

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

**AFTERNOON SESSION**

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

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

- House Resolution No. 1729 - Representative Cunningham (145)  
House Resolution No. 1730 - Representatives Phillips and Brown  
House Resolution No. 1731 - Representative Viebrock  
House Resolution No. 1732 - Representatives Darrough and Walton  
House Resolution No. 1733 - Representative Kelly (36)  
House Resolution No. 1734  
and  
House Resolution No. 1735 - Representative Jackson  
House Resolution No. 1736 - Representative Moore  
House Resolution No. 1737 - Representative Bland  
House Resolution No. 1738 - Representatives Pratt and Rupp  
House Resolution No. 1739 - Representative Bruns  
House Resolution No. 1740  
through  
House Resolution No. 1750 - Representative Lipke  
House Resolution No. 1751  
and  
House Resolution No. 1752 - Representative Jetton

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 37**, introduced by Representative Townley, to authorize the University of Missouri to enter into a long-term lease for certain property.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1735**, introduced by Representative Morris, relating to deferral of property tax owned by senior citizens.

**HB 1736**, introduced by Representative Cunningham (86), relating to the sale of methamphetamine precursor drugs.

**HB 1737**, introduced by Representatives Cunningham (86), Icet, Stefanick, St. Onge, Byrd, Portwood and Jackson, relating to school credit.

**HB 1738**, introduced by Representatives Parker, Hubbard and Hoskins, relating to contributions to certain nonprofit organizations with a health-related mission.

#### **MESSAGE FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS#2 SS SCS HS HCS HB 1304, as amended**, and grants the House a conference thereon.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

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

**SS#2 SS SCS HS HCS HB 1304**: Representatives Byrd, Crowell, Jetton, Harris (23) and Johnson (90).

### **PERFECTION OF HOUSE BILLS**

**HCS HB 1195, with HS, as amended, pending**, relating to professional registration, was again taken up by Representative Behnen.

Speaker Pro Tem Jetton assumed the Chair.

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

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

The Chair ruled the point of order well taken.

On motion of Representative Behnen, **HS HCS HB 1195, as amended**, was adopted.

On motion of Representative Behnen, **HS HCS HB 1195, as amended**, was ordered perfected and printed.

**HB 1409**, relating to enterprise zones, was taken up by Representative Dempsey.

Representative Dempsey offered **HS HB 1409**.

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

#### *House Amendment No. 1*

AMEND House Substitute for House Bill No. 1409, Section 135.155, Page 19, Line 21, by deleting all of said line and inserting in lieu thereof the following:

**“135.155. For facilities commencing operations on or after January 1,”**; and

Further amend said bill, Section 135.288, Page 29, Lines 10-13, by striking all of said lines; and

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

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

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

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 1409, Page 71, Section 196.1104, Line 15 of said page, by inserting at the end of said line the following:

**"All moneys committed, contributed, or paid under the provisions of this section, that are derived from federal, state, or local taxes, from loans or grants of any federal, state, or local government or governmental authority, from loans or grants of a federal or state institution, instrumentality, or agency, from the proceeds of bonds issued by any public authority, from intergovernmental transfers, and from the adjudication or settlement of any claims or causes of action pursued by a federal, state, or local government or any agency thereof, shall be treated as if appropriated to the life sciences research board pursuant to sections 196.1100 to 196.1124, and shall be subject to the provisions of subsections 2 to 5 of section 196.1127.";** and

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

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

Representative Wilson (119) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 1409, Pages 29 and 30, Section 135.484, Lines 14 to 25 and 1 to 24, by deleting all of said lines.

Further amend said bill, Page 32, Section 135.546, Line 10, by inserting after all of said line the following:

**"135.900. As used in sections 135.900 to 135.910, the following terms mean:**

- (1) "Department", the department of economic development;**
- (2) "Director", the director of the department of economic development;**
- (3) "Earned income", all income not derived from retirement accounts, pensions, or transfer payments;**
- (4) "New business facility", the same meaning as such term is defined in section 135.100; except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;**
- (5) "Population", all residents living in an area who are not enrolled in any course at a college or university in the area;**
- (6) "Revenue-producing enterprise":**
  - (a) Manufacturing activities classified as SICs 20 through 39;**
  - (b) Agricultural activities classified as SIC 025;**
  - (c) Rail transportation terminal activities classified as SIC 4013;**
  - (d) Renting or leasing of residential property to low- and moderate-income persons as defined in 42 U.S.C.A. 5302(a)(20);**
  - (e) Motor freight transportation terminal activities classified as SIC 4231;**
  - (f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;**
  - (g) Water transportation terminal activities classified as SIC 4491;**
  - (h) Airports, flying fields, and airport terminal services classified as SIC 4581;**
  - (i) Wholesale trade activities classified as SICs 50 and 51;**
  - (j) Insurance carriers activities classified as SICs 631, 632, and 633;**



- (k) Research and development activities classified as SIC 873, except 8733;
- (l) Farm implement dealer activities classified as SIC 5999;
- (m) Employment agency activities classified as SIC 7361;
- (n) Computer programming, data processing, and other computer-related activities classified as SIC 737;
- (o) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092, and 8093;
- (p) Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;
- (q) Recycling activities classified as SIC 5093;
- (r) Banking activities classified as SICs 602 and 603;
- (s) Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;
- (t) Mining activities classified as SICs 10 through 14;
- (u) The administrative management of any of the foregoing activities; or
- (v) Any combination of any of the foregoing activities;
- (8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the standard industrial classification manual as prepared by the executive office of the president, office of management and budget;
- (9) "Transfer payments", payments made under Medicaid, Medicare, Social Security, child support or custody agreements, and separation agreements.

135.903. 1. To qualify as a rural empowerment zone, an area shall meet all the following criteria:

- (1) The area is one of pervasive poverty, unemployment, and general distress;
- (2) At least sixty-five percent of the population has earned income below eighty percent of the median income of all residents within the state according to the last decennial census or other appropriate source as approved by the director;
- (3) The population of the area is at least four hundred but not more than three thousand five hundred at the time of designation as a rural empowerment zone;
- (4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis;
- (5) The area is situated more than ten miles from any existing rural empowerment zone;
- (6) The area is situated in a third or fourth class county; and
- (7) The area is not situated in an existing enterprise zone.

2. The governing body of any county in which an area may be designated a rural empowerment zone shall submit to the department an application showing that the area complies with the requirements of subsection 1 of this section. The department shall declare the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section. If the area is found not to meet the requirements, the governing body shall have the opportunity to submit another application for designation as a rural empowerment zone and the department shall designate the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section.

135.910. All of the Missouri taxable income attributed to a new business facility in a rural empowerment zone which is earned by a taxpayer establishing and operating a new business facility located within a rural empowerment zone shall be exempt from taxation under chapter 143, RSMo, if such new business facility is responsible for the creation of ten new full-time jobs in the zone within one year from the date on which the tax abatement begins. All of the Missouri taxable income attributed to a revenue-producing enterprise in a rural empowerment zone which is earned by a taxpayer operating a revenue-producing enterprise located within a rural empowerment zone and employing nineteen or fewer full-time employees shall be exempt from taxation under chapter 143, RSMo, if such revenue-producing enterprise is responsible for the creation of five new full-time jobs in the zone within one year from the date on which the tax abatement begins. All of the Missouri taxable income attributed to a revenue-producing enterprise in a rural empowerment zone which is earned by a taxpayer operating a revenue-producing enterprise located within a rural empowerment zone and employing twenty or more full-time employees shall be exempt from taxation under chapter 143, RSMo, if such revenue-producing enterprise is responsible for the creation of a number of new full-time jobs in the zone equal to twenty-five percent of the number of full-time employees employed by the revenue-producing enterprise on the date on which tax abatement begins within one year from the date on which the tax abatement begins.

**135.911. The provisions of sections 135.900 to 135.910 shall expire on August 28, 2014.**"; and

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

On motion of Representative Wilson (119), **House Amendment No. 3** was adopted.

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

*House Amendment No. 4*

AMEND House Substitute for House Bill No. 1409, Section 135.262, Page 28, Line 19, by inserting the following after all of said line:

**"135.263. 1. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone in the portions of any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county and any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants which include a political subdivision that receives a portion of its funding from section 163.031, RSMo, and is located in part in ay home rule city with more than four hundred thousand inhabitants and located in more than one county. Such enterprise zone shall only be made if the area to be included in the enterprise zone meets all the requirements of section 135.205.**

**2. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one such zone in a city of the fourth classification with more than thirty thousand three hundred but less than thirty thousand seven hundred inhabitants. Such enterprise zone shall only be made if the area to be included in the enterprise zone meets all the requirements of section 135.205."**; and

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

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

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

*House Amendment No. 5*

AMEND House Substitute for House Bill No. 1409, Page 54, Section 135.1077, Line 6, by inserting after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the

provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public, **provided, however, that this exemption shall not apply to the purchase of said products by a publicly traded company, if said company, or its parent company, has annual operating revenues in excess of two hundred fifty million dollars and a Missouri based average daily newspaper circulation in excess of two hundred thousand;**

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the

department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003."; and

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

Representative Rector assumed the Chair.

Speaker Pro Tem Jetton resumed the Chair.

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

AYES: 074

Baker	Bean	Bearden	Behnen	Bivins
Bough	Brown	Bruns	Byrd	Cooper 120
Crawford	Crowell	Cunningham 145	Cunningham 86	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Ervin	Goodman	Guest	Hobbs
Hunter	Icet	Jackson	Jetton	Kelly 144
King	Kingery	Lager	Lembke	Lipke
Luetkemeyer	May	Mayer	Miller	Moore
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Reinhart	Richard	Roark	Ruestman

Rupp	Schneider	Self	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Viebrock	Wallace	Wasson	Wilson 119
Wilson 130	Wood	Wright	Yates	

NOES: 072

Angst	Barnitz	Bishop	Black	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Cooper 155	Corcoran	Curls	Darrough	Daus
Davis 122	Donnelly	El-Amin	Fraser	George
Graham	Green	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hoskins	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kratky	Kuessner
Lawson	LeVota	Liese	Lowe	Meadows
Meiners	Morris	Muckler	Page	Ransdall
Sager	Salva	Sander	Schaaf	Schlottach
Schoemehl	Seigfreid	Selby	Shoemyer	Skaggs
Spreng	Swinger	Thompson	Villa	Walker
Walsh	Walton	Ward	Whorton	Wildberger
Willoughby	Wilson 25	Wilson 42	Witte	Yaeger
Young	Zweifel			

PRESENT: 002

Engler	Fares
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ABSENT WITH LEAVE: 015

Abel	Avery	Carnahan	Dougherty	Hampton
Holand	Hubbard	Kelly 36	Marsh	McKenna
Shoemaker	Townley	Vogt	Wagner	Madam Speaker

Representative Johnson (90) requested a verification of the roll call on the motion to adopt **House Amendment No. 5.**

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

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 1409, Page 19, Section 100.850, Line 16, by deleting the word “**eighteen**” and inserting in lieu thereof the word “**fifteen**”; and

Further amend said bill, Page 49, Section 135.1070, Line 13, by deleting the word “**four**” and inserting in lieu thereof the word “**seven**”; and

Further amend said bill, Section 196.1104, Page 71, Line 15, by inserting after all of said line the following: “**Section 1. All enterprise zones designated before January 1, 2006 shall be eligible to receive the tax benefits under sections 135.1050 through 135.1075.**”; and

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

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

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

*House Amendment No. 7*

AMEND House Substitute for House Bill No. 1409, Page 27, Section 135.217, Line 19, by inserting after said line the following:

**“135.218. In addition to any other enterprise zones authorized pursuant to this chapter, the department of economic development shall designate one enterprise zone that shall have boundaries that are the same as any city of the fourth classification with more than five thousand four hundred but less than five thousand five hundred inhabitants and located in more than one county. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.**

**135.219. In addition to any other enterprise zones authorized pursuant to this chapter, the department of economic development shall designate one enterprise zone that shall have boundaries that are the same as any city of the fourth classification with more than four thousand three hundred but less than four thousand five hundred located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.”; and**

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

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

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

*House Amendment No. 8*

AMEND House Substitute for House Bill No. 1409, Page 10, Section 32.110, Line 6, by inserting after all of said line the following:

**"67.1303. 1. The governing body of any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

**Shall ..... (insert the name of the city or county) impose a sales tax at a rate of ..... (insert rate of percent) percent for economic development purposes?**

YES

NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.**



3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure.

Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county.

At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

6. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning

the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

7. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

8. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city or county) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for economic development purposes?

YES  NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

9. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question."; and

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

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

AYES: 081

Angst	Baker	Barnitz	Bean	Behnen
Bivins	Black	Bough	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Deeken	Dempsey	Dethrow	Dixon
Emery	Engler	Fares	Goodman	Guest
Hilgemann	Hobbs	Hunter	Icet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Kratky	Lawson	Lipke	Luetkemeyer	May
Mayer	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Purgason	Quinn	Rector	Reinhart	Richard
Ruestman	Rupp	Schaaf	Schlottach	Schneider
Self	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Swinger	Taylor	Townley
Viebrock	Wallace	Wasson	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yates	Young
Madam Speaker				

NOES: 069

Bishop	Bland	Boykins	Bringer	Brooks
Brown	Burnett	Campbell	Corcoran	Curls

Darrough	Daus	Davis 122	Davis 19	Donnelly
Dougherty	Dusenberg	Ervin	Fraser	George
Green	Hampton	Harris 110	Harris 23	Haywood
Henke	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kuessner	Lager
Lembke	LeVota	Liese	Lowe	McKenna
Meadows	Meiners	Muckler	Page	Portwood
Pratt	Ransdall	Roark	Sager	Salva
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Thompson	Villa	Wagner	Walker	Walsh
Walton	Ward	Whorton	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Zweifel	

PRESENT: 001

El-Amin

ABSENT WITH LEAVE: 012

Abel	Avery	Bearden	Carnahan	Graham
Holand	Marsh	Sander	Seigfreid	Shoemaker
Threlkeld	Vogt			

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

*House Amendment No. 9*

AMEND House Substitute for House Bill No. 1409, Section 32.105, Page 6, Line 17, by striking from said line the open bracket “[”;

Further amend said section, Page 7, Line 2, by striking from said line the closed bracket “]”;

Further amend said section by renumbering all subdivisions appropriately;

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

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

**Representative Smith (118) offered House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Substitute for House Bill No. 1409, Page 26, Section 135.214, Line 25, by inserting after all of said line the following:

"135.215. 1. Improvements made to "real property" as such term is defined in section 137.010, RSMo, which are made in an enterprise zone subsequent to the date such zone or expansion thereto was designated, may upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions, provided that, except as to the exemption allowed under subsection 3 of this section, at least fifty new jobs that provide an average of at least thirty-five hours of employment per week per job are created and maintained at the new or expanded facility. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions or stipulations otherwise required. A copy of the resolution shall be provided the director within thirty calendar days following adoption of the resolution by the governing authority.

2. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date and purpose of the hearing.

3. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enterprise zone shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for assembling, fabricating, processing, manufacturing, mining, warehousing or distributing properties.

4. No exemption shall be granted for a period more than twenty-five years following the date on which the original enterprise zone was designated by the department.

5. The provisions of subsection 1 of this section shall not apply to improvements made to real property which have been started prior to August 28, 1991.

6. The mandatory abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, RSMo, and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of section 99.845, RSMo, unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of section 99.820, RSMo.

**7. Any business existing in an enterprise zone on the effective date of this section shall recertify for the abatement and exemption. Effective August 28, 2004, any abatement or exemption provided for in this section on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, "work stoppage" shall not include strike or lockout or time necessary to retool a plant, and "major reduction in force" is defined as a seventy-five percent or greater reduction. Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone.";** and

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

On motion of Representative Smith (118), **House Amendment No. 10** was adopted.

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

*House Amendment No. 11*

AMEND House Substitute for House Bill No. 1409, Page 68, Section 196.1104, Line 23, by inserting the following in the appropriate location:

Add after (ELSRC) the words "**including agricultural life science positions**".

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

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell

Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Ervin	Fares	Goodman	Guest	Hobbs
Holand	Hunter	Icet	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager
Lembke	Lipke	Luetkemeyer	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Self	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Wallace
Wasson	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

NOES: 068

Barnitz	Bishop	Bland	Boykins	Bringer
Brooks	Burnett	Campbell	Corcoran	Curls
Darrough	Daus	Davis 122	Donnelly	Dougherty
El-Amin	Fraser	George	Graham	Green
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
LeVota	Liese	Lowe	McKenna	Meadows
Meiners	Muckler	Page	Ransdall	Sager
Salva	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Swinger	Villa	Wagner
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Yaeger	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 008

Abel	Avery	Carnahan	Hampton	Marsh
Shoemaker	Thompson	Vogt		

On motion of Representative Dempsey, **HS HB 1409, as amended**, was adopted.

On motion of Representative Dempsey, **HS HB 1409, as amended**, was ordered perfected and printed.

**HCS HBs 1477 & 1563**, relating to the Missouri Hospital Infection Control Act, was taken up by Representative Schaaf.

Representative Schaaf offered **HS HCS HBs 1477 & 1563**.

Representative Pratt resumed the Chair.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1477 & 1563, Page 14, Section 192.667, Line 16 of said page, by deleting the word “**may**” and inserting in lieu thereof the words “**shall be authorized to**”; and

Further amend said bill, Page 16, Section 197.150, Line 18 of said page, by inserting after the word “**the**” the word “**facility’s**”; and

Further amend said bill, Page 20, Section 197.165, Line 25 of said page, by deleting the words “**a public member**” and inserting in lieu thereof the words “**two public members**”.

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

On motion of Representative Schaaf, **HS HCS HBs 1477 & 1563, as amended**, was adopted.

On motion of Representative Schaaf, **HS HCS HBs 1477 & 1563, as amended**, was ordered perfected and printed.

**HCS HB 1403**, relating to amusement rides, was taken up by Representative Moore.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1403, Page 5, Section 316.233, Line 12, by inserting after said line the following:

**“319.520. 1. For purposes of this section, the following terms mean:**

**(1) “Disaster or emergency”, includes, but is not limited to, fires, floods or flash floods, tornados, winter storms, earthquakes, explosions, or loss of utility services;**

**(2) “Emergency management plan”, a coordinated process for responding to an emergency, providing for life safety, property protection, notification and warning, evacuation routes and exits, and similar considerations;**

**(3) “Amusement park”, any privately owned commercial operation offering amusement rides for fee located in a fixed location with annual gross sales in excess of three million dollars.**

**2. Any amusement park located in this state shall develop an emergency management plan to provide a process for responding to a disaster or emergency. The plan shall be submitted to the office of the state fire marshal within six months after the effective date of this section and shall be posted in a conspicuous location at the amusement park.”; and**

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

Speaker Hanaway resumed the Chair.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1403, Page 5, Section 316.233, Line 12, by inserting after said line the following:

**“316.238. All rock climbing walls over ten feet tall operated in this state, except as provided in paragraph (d) and (e) of subdivision (1) of section 316.203, shall be subject to the same rules and regulations as amusement rides pursuant to sections 316.200 to 316.238.”; and**

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

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

On motion of Representative Moore, **HCS HB 1403, as amended**, was adopted.

On motion of Representative Moore, **HCS HB 1403, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 35** - Special Committee on General Laws

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1021** - Budget

**HB 1707** - Small Business

### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 1678** - Small Business

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

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

**SCR 24** - Children and Families

### **RE-REFERRAL OF SENATE BILL**

The following Senate Bill was re-referred to the Committee indicated:

**SCS SB 758** - Local Government

### **COMMITTEE REPORTS**

**Committee on Agriculture**, Chairman Myers reporting:

Madam Speaker: Your Committee on Agriculture, to which was referred **HB 1093**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Communications, Energy and Technology**, Chairman Rector reporting:

Madam Speaker: Your Committee on Communications, Energy and Technology, to which was referred **SCS SB 878**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Ethics**, Chairman Crowell reporting:

Madam Speaker: Your Committee on Ethics, to which was referred **additions to the Dairy Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo**.

TO: Representative Jason Crowell  
Chairman, House Ethics Committee

FROM: Representative Jerry R. King

DATE: March 8, 2004

SUBJECT: Dairy Caucus

In accordance with Section 105.473.3(2)(c)d RSMo, I am requesting the addition of Representative Belinda Harris as a member to the Missouri House Dairy Caucus.

Thank you very much for your time and attention to this matter.

/s/ Belinda Harris (110)

Madam Speaker: Your Committee on Ethics, to which was referred the **FFA Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo**.

TO: Representative Jason Crowell  
Chair Ethics Committee

FROM: Representative Jim Viebrock

DATE: March 11, 2004

RE: FFA Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 2000, we are listing the following members of the General Assembly as members of the FFA Caucus.

Representative

District



/s/ Jim Viebrock	134
/s/ Larry Taylor	68
/s/ Jerry King	125
/s/ Jim Guest	5
/s/ Brian Munzlinger	1
/s/ Steve Hunter	127
/s/ Jerry Bough	142
/s/ David Pearce	121
/s/ Tom Self	116
/s/ Larry Wilson	119
/s/ Mike Sutherland	99
/s/ Steve Hobbs	21
/s/ Mike Dethrow	153
/s/ Charlie Schlottach	111
/s/ Jay Wasson	141
/s/ Maynard Wallace	143
/s/ John Quinn	7
/s/ Bob May	149
/s/ Peter Myers	160
/s/ Vicki Schneider	17
/s/ Otto Bean, Jr.	163
/s/ Merrill Townley	112
/s/ Bob Dixon	140

Madam Speaker: Your Committee on Ethics, to which was referred the **House Chair Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo.**

TO: Representative Jason Crowell, Chairman  
House Ethics Committee

FROM: Representative Shannon Cooper  
House Chair Caucus

DATE: March 8, 2004

RE: House Chair Caucus

Pursuant to Section 105.473.3(2)(c)d RSMo, 1998 and the rules of the Missouri House of Representatives, a listing of the members of the 92<sup>nd</sup> General Assembly's House of Representatives House Chair Caucus is attached.

Please consider this letter a formal application to the Committee on Ethics to approve this caucus to be recognized as a duly filed and approved caucus of the General Assembly.

I will serve as the designated member to present this request to the Committee. Please contact me at (573) 751-1484 if you have any questions concerning this caucus organization.

#### House Committee Chairs

Administration & Accounts

/s/ Ronnie Miller, District 133

Agriculture

/s/ Peter Myers, District 160

Appropriations - Agriculture and Natural Resources

/s/ John Quinn, District 7

Appropriations - Education

/s/ Kathryn Fares, District 91

Appropriations - General Administration

/s/ Bradley Roark, District 139

Appropriations - Health, Mental Health and Social Services

/s/ Chuck Purgason, District 151

Appropriations - Public Safety and Corrections	/s/ Danie Moore, District 20
Appropriations - Transportation and Economic Development	/s/ Lanie Black, District 161
Budget	/s/ Carl Bearden, District 16
Children and Families	/s/ Susan Phillips, District 32
Communications, Energy and Technology	/s/ Rex Rector, District 124
Conservation and Natural Resources	/s/ Merrill Townley, District 112
Corrections and State Institutions	/s/ Van Kelly, District 144
Crime Prevention and Public Safety	/s/ Robert Mayer, District 159
Education	/s/ Jane Cunningham, District 86
Elections	/s/ Bob May, District 149
Ethics	/s/ Jason Crowell, District 158
Financial Services	/s/ Blaine Luetkemeyer, District 115
Health Care Policy	/s/ Roy Holand, District 135
Homeland Security and Veterans Affairs	/s/ Jack Jackson, District 89
Job Creation and Economic Development	/s/ Tom Dempsey, District 18
Judiciary	/s/ Richard Byrd, District 94
Local Government	/s/ Robert Thane Johnson, District 47
Professional Registration and Licensing	/s/ Bob Behnen, District 2
Retirement	/s/ Todd Smith, District 118
Senior Security	/s/ Dr. Charles Portwood, District 92
Small Business	/s/ Neal St. Onge, District 88
Tax Policy	/s/ Shannon Cooper, District 120
Tourism and Cultural Affairs	/s/ B. J. Marsh, District 136
Transportation and Motor Vehicles	/s/ Larry Crawford, District 117
Workforce Development and Workplace Safety	/s/ Steve Hunter, District 127

Madam Speaker: Your Committee on Ethics, to which was referred the **Missouri Cancer Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo.**

March 31, 2004

The Honorable Jason Crowell  
 Chairman, Rules Committee  
 State Capitol Building  
 Jefferson City, Missouri 65101

Dear Rep. Crowell:

Please accept the request for the undersigned Representatives to form the *Missouri Cancer Caucus*, which will consist of the elected members of the General Assembly listed below.

<u>Representative</u>	<u>District</u>	<u>Representative</u>	<u>District</u>
/s/ Scott Rupp	13	/s/ Jodi Stefanick	93
/s/ Bryan Pratt	55	/s/ Robert Mayer	159
/s/ Carl Bearden	16	/s/ Susan Phillips	32
/s/ Shannon Cooper	120	/s/ Trent Skaggs	31
/s/ Bryan Stevenson	128	/s/ Rachel Bringer	6
/s/ Jim Viebrock	134	/s/ Marsha Campbell	39
/s/ Tom Dempsey	18	/s/ Frank Barnitz	150
/s/ Chuck Portwood	92	/s/ Jenee Lowe	44
/s/ Allen Icet	84	/s/ Randy Angst	146
/s/ Ryan Nieves	98	/s/ Steve Hobbs	21

/s/ Mike Sutherland	99	/s/ Terry Young	49
/s/ Brad Roark	139	/s/ Vicki Schneider	17
/s/ Wes Wagner	104	/s/ Jim Guest	5
/s/ Brian Yates	56	/s/ Charles Schlottach	111
/s/ Brad Lager	4	/s/ Joe Smith	14
/s/ Annie Reinhart	34	/s/ Gary Dusenberg	54
/s/ Brian Munzlinger	1	/s/ Richard Byrd	94
/s/ D.J. Davis	122	/s/ Kevin Threlkeld	109
/s/ Scott Lipke	157	/s/ Jason Brown	30
/s/ Ryan McKenna	102	/s/ Jack Goodman	132
/s/ Paul LeVota	52	/s/ David Pearce	121
/s/ Mark Bruns	113		
/s/ Robert Thane Johnson	47		
/s/ Todd Smith	118		
/s/ Thomas A. Villa	108		
/s/ James Lembke	85		
/s/ Sherman Parker	12		
/s/ Rod Jetton	156		
/s/ Steve Hunter	127		

Madam Speaker: Your Committee on Ethics, to which was referred **additions to the Missouri Forest Products Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo**.

TO: Representative Jason Crowell, Chairman  
House Ethics Committee

FROM: Representative J.C. Kuessner and Representative Chuck Purgason

DATE: February 25, 2004

RE: Missouri Forest Products Caucus Member Requests

Pursuant to Section 105.473.3(2)(c)d RSMo, and the rules of the Missouri House of Representatives, we are requesting the additions of Representative Belinda Harris and Representative Brian Munzlinger as members of the Missouri Forest Products Caucus.

/s/ Representative Belinda Harris  
District 110

/s/ Representative Brian Munzlinger  
District 1

**Committee on Transportation and Motor Vehicles**, Chairman Crawford reporting:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 1408**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **MESSAGES FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 717**, entitled:

An act to repeal section 21.183, RSMo, and to enact in lieu thereof four new sections relating to the general assembly, with a termination date for certain sections.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 888**, entitled:

An act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1076**, entitled:

An act to repeal section 461.300, RSMo, and to enact in lieu thereof one new section relating to nonprobate transfers.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1116**, entitled:

An act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1166**, entitled:

An act to repeal section 49.272, RSMo, and to enact in lieu thereof one new section relating to civil fines for certain misdemeanors, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 1279**, entitled:

An act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 1370**, entitled:

An act to amend chapter 8, RSMo, by adding thereto one new section relating to energy conservation measures in public facilities.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1395**, entitled:

An act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainers tax.

In which the concurrence of the House is respectfully requested.

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, April 15, 2004.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Tuesday, April 20, 2004, 12:00 p.m. Hearing Room 1.  
Possible Executive session.  
Public hearings to be held on: HCR 30, HB 1624

#### **BUDGET**

Thursday, April 15, 2004, 8:00 a.m. Hearing Room 3.  
Possible Executive session. Fiscal review on HCS SS SCS SB 1099.  
Committee will hear other bills assigned or referred for fiscal review. AMENDED  
Public hearing to be held on: HB 1118

#### **CONFERENCE COMMITTEE NOTICE**

Thursday, April 15, 2004, 12:00 p.m. Senate Lounge.  
Conference Committee will convene at noon or upon Senate adjournment whichever comes first.

#### **CONSERVATION AND NATURAL RESOURCES**

Thursday, April 15, 2004, House Chamber side gallery upon morning adjournment.  
Executive session.

#### **ELECTIONS**

Thursday, April 15, 2004, House Chamber side gallery upon morning adjournment.  
Executive session.

#### **HEALTH CARE POLICY**

Thursday, April 15, 2004, House Chamber side gallery upon afternoon adjournment.

Executive session.

Public hearings to be held on: SCR 34, SB 1083

**HOMELAND SECURITY AND VETERANS AFFAIRS**

Thursday, April 15, 2004, 9:45 a.m. House Chamber side gallery.

Executive session will be held on: SCS SB 1365

**INTERIM COMMITTEE ON WATER QUALITY ISSUES**

Thursday, April 15, 2004, Hearing Room 1 upon afternoon adjournment.

Informational meeting on HCS HB 1433.

**JOINT COMMITTEE ON OUT-OF-SCHOOL PROGRAMS**

Monday, April 19, 2004, 9:30 a.m. Hearing Room 6.

Departments of Mental Health, Economic Development and Public Safety.

Discussion of letter to White House Task Force.

**LOCAL GOVERNMENT**

Thursday, April 15, 2004, 8:15 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: SS SCS SB 1081, SB 1296, SB 951, SCS SB 987, SB 1302, SB 1055

**RULES**

Thursday, April 15, 2004, 8:30 a.m. Hearing Room 5.

Executive session may follow. Note SB 1108 is Revision bill SRB 1108.

Public hearings to be held on: HR 1033, SB 1108, SCR 30

**SENIOR SECURITY**

Thursday, April 15, 2004, House Chamber side gallery upon afternoon adjournment.

Executive session will be held on: SB 1123, SCS SB 1160, SS SS SCS SB 1371

**TAX POLICY**

Thursday, April 15, 2004, House Chamber side gallery upon morning adjournment.

Executive session will be held on: HB 934, HB 1702, HB 1713, SB 1285, SB 1311

**HOUSE CALENDAR**

FIFTY-SECOND DAY, THURSDAY, APRIL 15, 2004

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 37

**HOUSE BILLS FOR SECOND READING**

HB 1732 through HB 1738

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 28 - Roark (139)

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1380 - Lager (4)
- 3 HCS HB 1150 - May (149)
- 4 HB 1092 - Deeken (114)
- 5 HCS HB 843, 880 & 1042 - Angst (146)
- 6 HCS HB 1099 - Reinhart (34)
- 7 HB 1424 - Stefanick (93)
- 8 HB 773 - Icet (84)
- 9 HB 1302 - Lager (4)
- 10 HCS HB 1085 - Townley (112)
- 11 HB 1337 - Nieves (98)
- 12 HB 1109 - Crawford (117)
- 13 HB 1160 - Parker (12)
- 14 HCS HB 1243, 1094 & 931 - Mayer (159)
- 15 HB 844 - Mayer (159)
- 16 HCS HB 1286 & 1175 - Guest (5)
- 17 HCS HB 1267 - Cooper (120)
- 18 HCS HB 1285 - Engler (106)
- 19 HCS HB 1433 - Wood (62)
- 20 HCS HB 1093 - Deeken (114)
- 21 HB 1408 - Mayer (159)

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HS HCS HJR 39, 38, 42 & 47 - Engler (106)

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 774 - Sander (22)
- 2 HCS HB 1617 - Hanaway (87)
- 3 HB 1664 - Hanaway (87)
- 4 HB 1665 - Hanaway (87)
- 5 HS HCS HB 1195 - Behnen (2)
- 6 HS HB 1409 - Dempsey (18)
- 7 HS HCS HB 1477 & 1563 - Schaaf (28)
- 8 HCS HB 1403 - Moore (20)

**HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HCS HB 1118, (Budget 4-01-04) - Schlottach (111)

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HCS HB 1524 - Ransdall (148)
- 2 HCS HB 1069 - Bivins (97)

**SENATE BILLS FOR SECOND READING**

- 1 SB 717
- 2 SB 888
- 3 SB 1076
- 4 SCS SB 1116
- 5 SB 1166
- 6 SS SCS SB 1279
- 7 SS SB 1370
- 8 SB 1395

**SENATE BILL FOR THIRD READING - CONSENT**

SCS SB 878 - Rector (124)

**SENATE BILLS FOR THIRD READING**

- 1 HCS SB 1080 - Wallace (143)
- 2 HCS SCS SB 754 - Luetkemeyer (115)
- 3 HCS SS SCS SB 1099, (Budget 4-13-04) - Dempsey (18)

**BILLS IN CONFERENCE**

- 1 HS HCS SS SCS SB 730, as amended - Portwood (92)
- 2 CCR#2 HCS SB 739, as amended - Myers (160)
- 3 SS#2 SS SCS HS HCS HB 1304, as amended - Byrd (94)

**VETOED HOUSE BILL**

HCR 5 - Byrd (94)