

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

FORTY-SECOND DAY, WEDNESDAY, MARCH 14, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God: Our state is made rich by the love in our families, the hard work of our neighbors and the kindness of nature in our field and streams. Keep the men and women of this blessed state and this House in Your care this day. Keep them strong in their commitments to good government. Keep them strong in faith and protect them from being drawn to anything that may brake faith or damage trust. O Lord, let us love mercy, do justice, and desire above all to walk humbly with You. To You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Joshua Hey, Joel Hey, Allison Hey, Josh Ehrman, Jessica Smith, Danielle Reinking, April Duncan, Ann Miller, Lovette Jackson, Alicia Howell, Caitlin Knackstedt, Latanya Lewis, Vincent Hamilton, Lauren Hamilton, Josh Boling and Samantha Boling.

The Journal of the forty-first day was approved as corrected.

RESOLUTION

Representative Ladd Baker offered House Resolution No. 922.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 914

and

House Resolution No. 915 - Representative Overschmidt

House Resolution No. 916 - Representative St. Onge

House Resolution No. 917 - Representative Ross

House Resolution No. 918 - Representative Ransdall

House Resolution No. 919

and

House Resolution No. 920 - Representative Wright

House Resolution No. 921 - Representative Hendrickson

House Resolution No. 923

through

House Resolution No. 927 - Representative Skaggs

House Resolution No. 928 - Representatives Seigfreid and Davis
House Resolution No. 929 - Representative Wright, et al

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 19 and **HJR 20** were read the second time.

SECOND READING OF HOUSE BILLS

HB 963 through **HB 973** were read the second time.

SECOND READING OF SENATE BILLS

SB 191, SB 345, SCS SB 407, SB 416, SB 442, SB 443, SB 435, SB 436 and **SCS SB 491** were read the second time.

COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1, HCS HB 2, HCS HB 3, HCS HB 4, HCS HB 5, HCS HB 6, HCS HB 7, HCS HB 8, HCS HB 9, HCS HB 10, HCS HB 11, HCS HB 12, HS HB 421** and **HB 444**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

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

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HB 381** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS - CONSENT

HB 242, relating to tourism tax, was taken up by Representative Smith.

On motion of Representative Smith, **HB 242** was read the third time and passed by the following vote:

AYES: 147

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd

Campbell	Carnahan	Champion	Cierpiot	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crowell
Crump	Curls	Davis	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Linton	Long	Lowe	Luetkemeyer	Luetkenhaus
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Purgason	Ransdall	Rector
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Ross	Scheve	Schwab
Scott	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 010

Cunningham	Dempsey	Hanaway	Hendrickson	Hohulin
Kelly 144	Marble	Myers	Portwood	Roark

PRESENT: 000

ABSENT WITH LEAVE: 003

Lograsso	Reid	Secrest
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 600, relating to conveyance in Greene County, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 600** was read the third time and passed by the following vote:

AYES: 157

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

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

NOES: 001

Smith

PRESENT: 000

ABSENT WITH LEAVE: 002

Lograsso Secrest

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 607, relating to dental services, was taken up by Representative Johnson (90).

On motion of Representative Johnson (90), **HB 607** was read the third time and passed by the following vote:

AYES: 156

Abel	Baker	Ballard	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George

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

NOES: 001

Hendrickson

PRESENT: 000

ABSENT WITH LEAVE: 003

Barnett	Black	Secrest
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 470, relating to memorial highway, was taken up by Representative Shields.

On motion of Representative Shields, **HB 470** was read the third time and passed by the following vote:

AYES: 157

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Ford	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway

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Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Lograsso	Secrest	Wiggins
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 491, relating to third class cities, was taken up by Representative George.

On motion of Representative George, **HB 491** was read the third time and passed by the following vote:

AYES: 154

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

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Byrd	King	Lograsso	Nordwald	Secrest
Wiggins				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HBs 754, 29, 300 & 505, as amended, relating to teacher salary supplements, was taken up by Representative Franklin.

Representative Wilson (42) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, Line 20, by deleting the words “**to other board certification candidates**”.

On motion of Representative Wilson (42), **House Amendment No. 2** was adopted.

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

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

The Chair ruled the point of order well taken.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, Line 50, by adding after all of said line the following:

“9. The department of elementary and secondary education shall commission a study of the best methods to evaluate teacher performance objectively with the overall purpose to be a determination of the value added to student performance by individual teachers. Such study shall be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study shall include but not be limited to elements that cover the following issues: (1) the effect of national board certification and any other recognized major professional development experience that could be considered as equivalent to national board certification in comparison with value added by teachers that have not undergone such professional development; (2) teacher performance before and after national board certification and before and after any other major professional development experience; (3) student performance before and after being taught by teachers with national board certification or other major professional development experience. The department of elementary and secondary education shall make the results of the study public, and the study shall be completed no later than December 1, 2005.”.

Representative Hosmer assumed the Chair.

Speaker Pro Tem Abel resumed the Chair.

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

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, by inserting after “**December 1, 2005**” the following: “**provisions of this section are subject to appropriation**”.

On motion of Representative Shields, **House Amendment No. 1 to House Amendment No. 3** was adopted by the following vote:

AYES: 146

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

Kelly 27	Kelly 36	Kennedy	King	Lawson
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Schwab	Scott	Seigfreid	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Villa	Vogel	Wagner	Walton	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 004

Hagan-Harrell	Scheve	Selby	Ward
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PRESENT: 000

ABSENT WITH LEAVE: 010

Baker	Bonner	Carnahan	Crawford	Ford
Hohulin	Koller	Long	Secrest	Van Zandt

VACANCIES: 003

Representative Cunningham moved that **House Amendment No. 3, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 071

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

NOES: 085

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Coleman	Copenhaver	Crump	Curls

Davis	Farnen	Foley	Ford	Franklin
Fraser	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 27	Kelly 36	Kennedy	Lawson
Liese	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	O'Connor	O'Toole	Ostmann
Overschmidt	Ransdall	Relford	Reynolds	Rizzo
Scheve	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Villa	Wagner	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42

PRESENT: 000

ABSENT WITH LEAVE: 004

Crawford	Koller	Long	Secrest
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VACANCIES: 003

HCS HBs 754, 29, 300 & 505, as amended, was laid over.

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

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 930 - Representative Kreider
House Resolution No. 931 - Representatives Curls, Wilson (42), Sanders Brooks
and Bland
House Resolution No. 932
through
House Resolution No. 934 - Representative Dolan

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HBs 754, 29, 300 & 505, as amended, relating to teacher salary supplements, was again taken up by Representative Franklin.

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, Line 50, by adding after all of said line the following:

“9. The department of elementary and secondary education shall collect all pertinent studies measuring teacher effectiveness in an objective manner through a value-added approach, including the evaluation presently being incorporated into the National Board for Professional Teaching Standards certification process, with the purpose of identifying objective teacher performance assessment instruments currently available. The department will make these studies publicly available, along with a list of such teacher performance assessment instruments, and distribute them to school districts, for the school districts to use at their discretion.” ; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, Line 50, by adding after all of said line the following:

“9. This section shall expire on June 30, 2009.”.

Representative Franklin raised a point of order that **House Amendment No. 5** amends previously amended material.

The Chair ruled the point of order not well taken.

Representative Gratz offered **House Amendment No. 1 to House Amendment No. 5**.

House Amendment No. 1 to House Amendment No. 5 was withdrawn.

Representative Gratz offered **House Amendment No. 1 to House Amendment No. 5**.

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, by adding after “**2009**” the following:

“; provided that teachers that are receiving the salary supplement at the time of the expiration of this section may complete the 10-year term of their supplement”.

Speaker Kreider assumed the Chair.

Representative Gratz moved that **House Amendment No. 1 to House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Crowell offered **House Amendment No. 2 to House Amendment No. 5**.

House Amendment No. 2
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, Line 50, by deleting “**June 30, 2009**” and inserting in lieu thereof “**June 30, 2012.**”.

Representative Crowell moved that **House Amendment No. 2 to House Amendment No. 5** be adopted.

Which motion was defeated.

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

Which motion was defeated by the following vote:

AYES: 070

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

NOES: 079

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

PRESENT: 000

ABSENT WITH LEAVE: 011

Graham	Green 73	Hickey	Holand	Hosmer
Long	Luetkenhaus	Marble	Robirds	Scott
Secrest				

VACANCIES: 003

Representative St. Onge offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill Nos. 754, 29, 300 & 505, Page 2, Section 168.700, Line 50, by adding after all of said line the following:

“9. Beginning July 1, 2006, the salary supplements provided pursuant to this section shall be based on objective evaluations of teacher performance.”; and

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

Representative Britt raised a point of order that **House Amendment No. 6** is dilatory.

The Chair ruled the point of order not well taken.

Representative St. Onge moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

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

Representative Monaco raised a point of order that **House Amendment No. 7** amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative Franklin, **HCS HBs 754, 29, 300 & 505, as amended**, was adopted.

On motion of Representative Franklin, **HCS HBs 754, 29, 300 & 505, as amended**, was ordered perfected and printed.

HCS HB 762, relating to women’s health services, was taken up by Representative Barry.

Representative Barry offered **HS HCS HB 762**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill No. 762, Pages 2 and 3, Section 354.900, Lines 23 and 24 of Page 2 and Lines 1 and 2 of Page 3, by deleting all of said lines and inserting in lieu thereof the following:

"(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services;"; and

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

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill No. 762, Page 2, Section 354.900, Line 15 of said page, by inserting after the word "**abortion**" the word "**or**"; and

Further amend said bill, Page 3, Section 354.900, Line 15 of said page, by inserting after the word "**contraceptive**" the words "**or abortion**"; and

Further amend said bill, Page 4, Section 354.900, Line 5 of said page, by inserting after the word "**use**" the words "**or provision**"; and

Further amend said bill, Page 4, Section 354.900, Line 7 of said page, by inserting after the word "**beliefs**" the words "**or tenets**"; and

Further amend said bill, Page 4, Section 354.900, Line 8 of said page, by deleting the word "**individual**" and inserting in lieu thereof the word "**enrollee**"; and

Further amend said bill, Page 4, Section 354.900, Line 9 of said page, by deleting the word "**use**" and inserting in lieu thereof the words "**the use or provision**"; and

Further amend said bill, Page 4, Section 354.900, Line 12 of said page, by deleting the words "**the individual**" and inserting in lieu thereof the words "**such enrollee**"; and

Further amend said bill, Page 4, Section 354.900, Line 18 of said page, by deleting the word "**election**" and inserting in lieu thereof the words "**exclusion of coverage**"; and

Further amend said bill, Page 4, Section 354.900, Line 23 of said page, by deleting the words "**religious or moral**" and inserting in lieu thereof the words "**moral, ethical or religious**"; and

Further amend said bill, Page 5, Section 354.900, Line 3 of said page, by deleting the word "**excludes**" and inserting in lieu thereof the words "**is exempted from providing**"; and

Further amend said bill, Page 5, Section 354.900, Line 5 of said page, by deleting the word "**exempted**" and inserting in lieu thereof the words "**that excludes coverage for contraceptives**"; and

Further amend said bill, Page 5, Section 354.900, Lines 8 to 19 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"6. Any health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form and the group health benefit plan contract:

- (1) Whether coverage for contraceptives is or is not included;
- (2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs; and
- (3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase a rider that includes coverage for contraceptives.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a rider to the health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a rider to the health benefit plan that includes coverage for contraceptives."; and

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

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

On motion of Representative Barry, **HS HCS HB 762, as amended**, was adopted.

On motion of Representative Barry, **HS HCS HB 762, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILLS

HB 453, relating to emergency response fees, was taken up by Representative Ransdall.

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

House Amendment No. 1

AMEND House Bill No. 453, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 292.606, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, and to enact in lieu thereof eight new sections relating to the collection of certain fees"; and

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

"Section A. Sections 292.606, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, are repealed and eight new sections enacted in lieu thereof, to be known as sections 292.606, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, to read as follows:"; and

Further amend said bill, Page 3, Section 292.606, Line 61, by inserting after said line the following:

"347.740. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

351.127. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

355.023. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

356.233. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

359.653. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

400.9-508. The secretary of state may collect an additional fee of five dollars on each and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

417.018. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**"; and

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

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

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

House Amendment No. 2

AMEND House Bill No. 453, Page 1, Line 1 of the Title, by deleting the words "**the emergency response commission**" and by inserting in lieu thereof the words "**environmental commissions**"; and

Further amend House Bill No. 453, Section 292.606, Page 3, Line 61, by inserting immediately after said line the following:

"444.765. Wherever used or referred to in sections 444.760 to [444.789] **444.790**, unless a different meaning clearly appears from the context, the following terms mean:

(1) "Affected land", the pit area or area from which overburden shall have been removed, or upon which overburden has been deposited after September 28, 1971. When mining is conducted underground, affected land means any excavation or removal of overburden required to create access to mine openings, except that areas of disturbance encompassed by the actual underground openings for air shafts, portals, adits and haul roads in addition to disturbances within fifty feet of any openings for haul roads, portals or adits shall not be considered affected land. Sites which exceed the excluded areas by more than one acre for underground mining operations shall obtain a permit for the total extent of affected lands with no exclusions as required under sections 444.760 to [444.789] **444.790**;

(2) "Commission", the land reclamation commission in the department of natural resources;

(3) "Director", the staff director of the land reclamation commission;

(4) "Mineral", a constituent of the earth in a solid state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a chemical, an energy source, or raw material for

manufacturing or construction material. For the purposes of this section, this definition includes barite, tar sands, and oil shales, but does not include iron, lead, zinc, gold, silver, coal, surface or subsurface water, fill dirt, natural oil or gas together with other chemicals recovered therewith;

(5) "Operator", any person, firm or corporation engaged in and controlling a surface mining operation;

(6) "Overburden", all of the earth and other materials which lie above natural deposits of minerals; and also means such earth and other materials disturbed from their natural state in the process of surface mining **other than what is defined in subdivision (4) of this section;**

(7) "Peak", a projecting point of overburden created in the surface mining process;

(8) "Pit", the place where minerals are being or have been mined by surface mining;

(9) "Refuse", all waste material directly connected with the cleaning and preparation of substance mined by surface mining;

(10) "Ridge", a lengthened elevation of overburden created in the surface mining process;

(11) "Site" or "mining site", any location or group of associated locations where minerals are being surface mined by the same operator;

(12) "Surface mining", the mining of minerals for commercial purposes by removing the overburden lying above natural deposits thereof, and mining directly from the natural deposits thereby exposed, and shall include mining of exposed natural deposits of such minerals over which no overburden lies and, after August 28, 1990, the surface effects of underground mining operations for such minerals.

444.767. The commission may:

(1) Adopt and promulgate rules and regulations pursuant to section 444.530 and chapter 536, RSMo, respecting the administration of sections 444.760 to [444.789] **444.790** and in conformity therewith;

(2) Encourage and conduct investigation, research, experiments and demonstrations, and collect and disseminate information relating to strip mining and reclamation and conservation of lands and waters affected by strip mining;

(3) Examine and pass on all applications and plans and specifications submitted by the operator for the method of operation and for the reclamation and conservation of the area of land affected by the operation;

(4) Make investigations and inspections which are necessary to ensure compliance with the provisions of sections 444.760 to [444.789] **444.790**;

(5) Conduct hearings [under] **pursuant to** sections 444.760 to [444.789] **444.790** and may administer oaths or affirmations and subpoena witnesses to the inquiry;

(6) Order, after hearing, the revocation of any permit and to cease and desist operations for failure to comply with any of the provisions of sections 444.760 to [444.789] **444.790** or any corrective order of the commission;

(7) Order forfeiture of any bond for failure to comply with any provisions of sections 444.760 to [444.789] **444.790** or any corrective order of the commission or other order of the commission;

(8) Cause to be instituted in any court of competent jurisdiction legal proceedings for injunction or other appropriate relief to enforce the provisions of sections 444.760 to [444.789] **444.790** and any order of the commission promulgated thereunder;

(9) Retain, employ, provide for, and compensate, within the limits of appropriations made for that purpose, such consultants, assistants, deputies, clerks, and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 444.760 to [444.789] **444.790** and prescribe the times at which they shall be appointed and their powers and duties;

(10) Study and develop plans for the reclamation of lands that have been strip mined prior to September 28, 1971;

(11) Accept, receive and administer grants or other funds or gifts from public and private agencies and individuals, including the federal government, for the purpose of carrying out any of the functions of sections 444.760 to [444.789] **444.790**, including the reclamation of lands strip mined prior to August 28, 1990. The commission may promulgate such rules and regulations or enter into such contracts as it may deem necessary for carrying out the provisions of this subdivision;

(12) Budget and receive duly appropriated moneys for expenditures to carry out the provisions and purposes of sections 444.760 to [444.789] **444.790**;

(13) Prepare and file a biennial report with the governor and members of the general assembly;

(14) Order, after hearing, an operator to adopt such corrective measures as are necessary to comply with the provisions of sections 444.760 to [444.789] **444.790**.

444.770. 1. It shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any gravel

mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons.

2. Sections 444.760 to [444.789] **444.790** shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to [444.789] **444.790** shall be August 28, 1990.

3. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to [444.789] **444.790**, except that such operations shall be registered with the land reclamation commission.

4. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245, RSMo, and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to [444.789] **444.790**, and any bonds or portions thereof applicable to such operations shall be promptly released by the commission, and the associated permits canceled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit [under] **pursuant to** section 260.205, RSMo, and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, RSMo, and the regulations promulgated thereunder, pertaining to closure and post-closure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are defined in chapter 260, RSMo.

5. Notwithstanding the provisions of subsection 1 of this section, any political subdivision which uses its own personnel and equipment or any private individual for personal use may conduct in-stream gravel operations without obtaining from the commission a permit to conduct such an activity.

444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post-office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits [under] **pursuant to** sections 444.500 to [444.789] **444.790**, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to [444.789] **444.790** or any rule or regulation promulgated [under] **pursuant to** them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778 and a [basic permit fee of three hundred fifty dollars, plus acreage fee of thirty-five dollars for each acre or fraction thereof of the area of land to be affected by the operation, plus an annual fee of forty dollars for each site listed on the operator's permit application that will be mined during the permit year, which fees shall be paid before the permit required in this section shall be issued. A basic fee of one hundred dollars, plus an acreage fee of thirty-five dollars for each acre or fraction thereof of the area of land to be affected by the gravel mining operation shall be paid to the commission before the permit shall be issued for any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons. The commission shall by rule or regulation, pursuant to section 444.530, initially establish the fees as listed in this section. The commission may also raise the permit fee to no more than five hundred dollars. The issued permit shall be valid for a period of one year from the date of its issuance unless sooner revoked or suspended as provided in sections 444.760 to 444.789] **permit fee approved by the commission not to exceed six hundred dollars. The commission may also require a fee for each site listed**

on a permit not to exceed three hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed ten dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of one hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than two thousand five hundred dollars. Permit and renewal fees shall be established by rule and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.

5. An operator desiring to have his **or her** permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required [under] **pursuant to** the provisions of sections 444.760 to [444.789] **444.790**, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to [444.789] **444.790** shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed [thereon during the permit year, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the commission for an additional permit year and payment of a fee of three hundred fifty dollars plus forty dollars for each site listed on the permit renewal application that will be actively surface mined or reclaimed during the permit year], **the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than two thousand five hundred dollars.** For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the [commission] **director** for an additional permit year and payment of a fee of [one] **three** hundred dollars. [Such basic permit fee may be increased by the commission by rule or regulation not to exceed five hundred dollars, pursuant to section 444.767 to support the actual cost thereof of administering and enforcing the provisions of sections 444.760 to 444.789, making allowances for grants and other sources of funds and contingencies.] Upon receipt of the **completed** permit renewal [application] **form** and fee[,], from the operator, the director shall [issue a renewal certificate] **approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.**

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability [under] **pursuant to** sections 444.760 to [444.789] **444.790** as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to [444.789] **444.790** and the successor operator assumes as part of his **or her** obligation [under] **pursuant to** sections 444.760 to [444.789] **444.790** all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to [444.789] **444.790** and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to [444.789] **444.790**, and any rule or regulation promulgated [under] **pursuant to** them.

10. At the time that a permit [is applied for] **application is deemed complete by the director**, the operator shall publish a notice of intent to operate a surface mine in any newspaper [with a general circulation in the counties] **qualified pursuant to section 493.050, RSMo, to publish legal notices in any county** where the land is located. **If**

the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The [notice] notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. **The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission [is required to] may consider in issuing a permit may [make] request a public meeting, a public hearing or file written comments to the director [during the fifteen-day public notice period] no later than fifteen days following the final public notice publication date.**

11. The commission may approve a permit application or permit amendment whose operation[, or reclamation [or conservation] plan deviates from the requirements of sections 444.760 to [444.789] **444.790** if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to [444.789] **444.790** shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2001, and shall expire on December 31, 2007. No other provisions of this section shall expire.

444.773. 1. All applications for a permit shall be filed with the director, who shall promptly investigate the application and make a recommendation to the commission within [fifteen days after the application is received] **four weeks after the public notice period provided in section 444.772 expires** as to whether the permit should be issued or denied. If the director determines that the application has not fully complied with the provisions of section 444.772 or any rule or regulation promulgated [under] **pursuant to** that section, [he] **the director** shall recommend denial of the permit. The director shall consider any written comments when making his **or her** recommendation to the commission on the issuance or denial of the permit.

2. If the recommendation of the director is to deny the permit, a hearing as provided in sections 444.760 to [444.789] **444.790**, if requested by the applicant within fifteen days of the date of notice of recommendation of the director, shall be held by the commission.

3. If the recommendation of the director is for issuance of the permit, the director shall issue the permit without **a public meeting or** a hearing except that upon petition, received prior to the date of the notice of recommendation, from any person whose health, safety or livelihood [is affected by noncompliance with any applicable laws or regulations,] **will be unduly impaired by the issuance of this permit, a public meeting or** a hearing may be held. **If a public meeting is requested pursuant to this chapter and the applicant agrees, the director shall, within thirty days after the time for such request has passed, order that a public meeting be held. The meeting shall be held in a reasonably convenient location for all interested parties. The applicant shall cooperate with the director in making all necessary arrangements for the public meeting. Within thirty days after the close of the public meeting, the director shall recommend to the commission approval or denial of the permit. If the public meeting does not resolve the concerns expressed by the public, any person whose health, safety or livelihood will be unduly impaired by the issuance of such permit may make a written request to the land reclamation commission for a formal public hearing. The land reclamation commission may grant a public hearing to formally resolve concerns of the public. Any public hearing before the commission shall address one or more of the factors set forth in this section.**

4. In any hearing held pursuant to this section the burden of proof shall be on the applicant for a permit. **If the commission finds, based on competent and substantial evidence on the record, that an interested party's health, safety or livelihood will be unduly impaired by the issuance of the permit, the commission may deny such permit. If the commission finds, based on competent and substantial evidence on the record, that the operator has had a history of noncompliance at other locations that suggests a reasonable likelihood of future acts of noncompliance, the commission may deny such permit. In determining whether a reasonable likelihood of noncompliance will exist in the future, the commission may look to past acts of noncompliance, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Past acts of noncompliance, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. If a hearing petitioner demonstrates either present acts of noncompliance or a reasonable likelihood that the permit seeker or associated persons or corporations will be in noncompliance in the future, such a showing will satisfy**

the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances at any single facility that resulted in lasting harm to the environment or unduly impaired the health, safety or livelihood of persons outside the facility. Any decision of the commission made pursuant to a hearing held [under] **pursuant to** this section is subject to judicial review as provided in chapter 536, RSMo. No judicial review shall be available, however, until and unless all administrative remedies are exhausted.

444.774. 1. Every operator to whom a permit is issued pursuant to the provisions of sections 444.760 to [444.789] **444.790** may engage in surface mining upon the lands described in the permit upon the performance of and subject to the following requirements with respect to such lands:

(1) All ridges and peaks of overburden created by surface mining, except areas [where lakes may be formed under subdivision (7) of subsection 1 of this section] **meeting the qualifications of subdivision (4) of this subsection**, or where washing, cleaning or retaining ponds and reservoirs may be formed under subdivision (2) of subsection 1 of this section, shall be graded to a rolling topography traversable by farm machinery, but such slopes need not be reduced to less than the original grade of that area prior to mining, and the slope of the ridge of overburden resulting from a box cut need not be reduced to less than twenty-five degrees from horizontal whenever the same cannot be practically incorporated into the land reclaimed for wildlife purposes [under] **pursuant to** subdivision (4) of **this** subsection [1 of this section]. In surface mining the operator shall remove all debris and materials not allowed by the reclamation plan before the bond or any portion thereof may be released;

(2) As a means of controlling damaging [runoff] **erosion**, the [commission] **director** may require the operator to construct terraces or use such other measures and techniques as are necessary to control soil erosion and siltation on reclaimed land. **Such erosion control measures and techniques may also be required on overburden stockpiles if the erosion is causing environmental damage outside the permit area.** In determining the grading requirements to restore barite pit areas, the sidewalls of the excavation shall be graded to a point where it blends with the surrounding countryside, but in no case should the contour be such that erosion and siltation be increased;

(3) In the surface mining of tar sands, the operator shall recover and collect all spent sands and other refuse yielded from the processing of tar sands, whether such spent sands and refuse are produced at the surface mine or elsewhere, in the manner prescribed by the commission as conditions of the permit, and shall finally dispose of such spent sands and refuse in the manner prescribed by the commission as conditions of the permit and in accordance with the provisions of sections 444.760 to [444.789] **444.790**;

(4) Up to and including twenty-five percent of the total acreage to be reclaimed each year need not be graded to a rolling topography if the land is reclaimed for wildlife purposes as required by the commission, except that all peaks and ridges shall be leveled off to a minimum width of thirty feet or one-half the diameter of the base of the pile at the original ground surface whichever is less;

(5) Surface mining operations that remove and do not replace the lateral support shall not, unless mutually agreed upon by the operator and the adjacent property owner, remove the lateral support in the vicinity of any established right-of-way line of any public road, street or highway closer than a distance equal to twenty-five feet plus one and one-half times the depth of the unconsolidated material from such right-of-way line to the beginning of the excavation; except that, unless granted a variance by the commission, the minimum distance is fifty feet. The provisions of this subdivision shall apply to all existing surface mining operations beginning August 28, 1990, except as provided in subsection 2 of section 444.770;

(6) If surface mining is or has been conducted up to the minimum distance as defined in subdivision (5) of **this** subsection [1 of this section] along an established right-of-way line of any public road, street or highway, a barrier or berm of adequate height shall be placed or constructed along the perimeter of the excavation. Adequate height shall mean a height of no less than three feet. Such barriers or berms shall not be required if barriers, berms or guardrails already exist on the adjoining right-of-way. Barriers or berms of adequate height may also be required by the commission when surface mining is or has been conducted up to the minimum distance as defined in subdivision (5) of **this** subsection [1 of this section] along other property lines, but only as necessary to mitigate serious and obvious threats to public safety;

(7) The operator may construct earth dams to form lakes in pits resulting from the final cut in a mining area; except that, the formation of the lakes shall not interfere with underground or other mining operations or damage adjoining property and shall comply with the requirements of subdivision (8) of **this** subsection [1 of this section];

(8) The operator shall cover the exposed face of a mineral seam where acid forming materials are present, to a depth of not less than two feet with earth that will support plant life or with a permanent water impoundment, terraced or otherwise so constructed as to prevent a constant inflow of water from any stream and to prevent surface water from flowing into such impoundment in such amounts as will cause runoff or spillage from said impoundment in a volume

which will cause kills of fish or animals downstream. The operator shall cover an exposed deposit of tar sands, including an exposed face thereof, to a depth of not less than two feet with earth that will support plant life, and in addition may cover such deposit or face with a permanent water impoundment as provided above; however, no water impoundment shall be so constructed as to allow a permanent layer of oil or other hydrocarbon to collect on the surface of such impoundment in an amount which will adversely affect fish, wildfowl and other wildlife in or upon such impoundment;

(9) The operator shall reclaim all affected lands except as otherwise provided in sections 444.760 to [444.789] **444.790**. The operator shall determine on company-owned land, and with the landowners on leased land for leases that are entered into after August 28, 1990, which parts of the affected land shall be reclaimed for forest, pasture, crop, horticultural, homesite, recreational, industrial or other use including food, shelter, and ground cover for wildlife;

(10) The operator, with the approval of the commission, shall sow, set out or plant upon the affected land, seeds, plants, cuttings of trees, shrubs, grasses or legumes. The plantings or seedings shall be appropriate to the type of reclamation designated by the operator on company-owned land and with the owner on leased land for leases entered into after August 28, 1990, and shall be based upon sound agronomic and forestry principles;

(11) Surface mining operations conducted in the flood plains of streams and rivers, and subject to periodic flooding, may be exempt from the grading requirements contained in this section if it can be demonstrated to the commission that such operations will be unsafe to pursue or ineffective in achieving reclamation required in this section because of the periodic flooding;

(12) Such other requirements as the commission may prescribe by rule or regulation to conform with the purposes and requirements of sections 444.760 to [444.789] **444.790**.

2. An operator shall commence the reclamation of the area of land affected by its operation as soon as possible after the [beginning] **completion** of surface mining of [that] **viable mineral reserves in any portion of the permit** area in accordance with the plan of reclamation required by [sections 444.760 to 444.789] **subsection 9 of section 444.772**, the rules and regulations of the commission, and the conditions of the permit[; and shall complete]. Grading **shall be completed** within twelve months after [the expiration date of the permit] **mining of viable mineral reserves is complete in that portion of the permit area based on the operator's prior mining practices at that site. Mining shall not be deemed complete if the operator can provide credible evidence to the director that viable mineral reserves are present.** The seeding and planting of supporting vegetation, **as provided in the reclamation plan**, shall be completed within twenty-four months after [the expiration date of the permit] with **mining has been completed** survival of such supporting vegetation by the second growing season.

3. With the approval of the [commission] **director**, the operator may substitute for all or any part of the affected land to be reclaimed, an equal number of acres of land previously mined and not reclaimed. If any area is so substituted the operator shall submit a map **and reclamation plan** of the substituted area, and this map **and reclamation plan** shall conform to all requirements with respect to other maps **and reclamation plan** required by section 444.772. The operator shall be relieved of all obligations [under] **pursuant to** sections 444.760 to [444.789] **444.790** with respect to the land for which substitution has been permitted. **On leased land, the landowner shall grant written approval to the operator for substitutions made pursuant to this subsection.**

4. The operator shall file a report with the commission within sixty days after the date of expiration of a permit stating the exact number of acres of land affected by the operation, the extent of the reclamation already accomplished, and such other information as may be required by the commission.

5. The operator shall ensure that all affected land where vegetation is to be reestablished is covered with enough topsoil or other approved material in order to provide a proper rooting medium. **No topsoil or other approved material is required to be placed on areas described in subdivision (4) of subsection 1 of this section or on any areas to be reclaimed for industrial uses as specified in the reclamation plan.**

6. The commission may grant such additional time for meeting with the completion dates required by sections 444.760 to [444.789] **444.790** as are necessary due to an act of God, war, strike, riot, catastrophe, or other good cause shown.

444.775. 1. Prior to release of the bond or any portion thereof, application shall be made by the operator to the commission, either with the completion of the report referred to in section 444.774 or subsequent to such report, for release of the bond.

2. The commission shall cause to have investigated the status of reclamation on land for which a release application has been filed.

3. If **the director or** the commission determines that the bond, or any portion thereof, should be released, an order may be so issued without hearing. If an owner of the land that has been affected by surface mining files a petition

in opposition to the release of the bond within thirty days of the receipt date of the application for release, a hearing may be held, if the bond release criteria does not meet permit standards. A hearing may also be held if the [staff of the commission] **director**, within thirty days of the receipt date of the application for release, recommends denial of the application following its investigation. In such cases, the commission may hold a hearing as provided in section 444.789 and enter such order as shall be appropriate.

4. If the commission determines that the bond or any portion thereof should not be released, the commission shall issue an order to that effect with the reasons for the order and shall give notice to the operator. A hearing shall be held by the commission as provided in section 444.789 if requested by the operator within thirty days of the date of notice of the order. At such hearing burden of proof shall be on the operator. After hearing, the commission shall enter such order as shall be appropriate and shall give notice to the operator.

5. All final decisions or orders of the commission shall be subject to judicial review as provided for in chapter 536, RSMo. No judicial review shall be available, however, until and unless all administrative remedies are exhausted.

444.777. Commission members and authorized representatives of the commission may at all reasonable times enter upon any lands that have been or are being surface mined for the purpose of inspection to determine whether the provisions of sections 444.760 to [444.789] **444.790** have been complied with. No person shall refuse entry or access requested for purposes of inspection, to any member of the commission or authorized representative who presents appropriate credentials, nor obstruct or hamper any such person in carrying out the inspection. A suitably restricted search warrant, describing the place to be searched and showing probable cause in writing and upon written oath or affirmation by any member of the commission or authorized representative, shall be issued by any circuit judge or associate circuit judge in the county where the search is to be made.

444.778. 1. Any bond herein provided to be filed with the commission by the operator shall be in such form as the director prescribes, payable to the state of Missouri, conditioned that the operator shall faithfully perform all requirements of sections 444.760 to [444.789] **444.790** and comply with all rules of the commission made in accordance with the provisions of sections 444.760 to [444.789] **444.790**. The bond shall be signed by the operator as principal, and by a good and sufficient corporate surety, licensed to do business in this state, as surety. The operator shall file with the commission a bond payable to the state of Missouri with surety in the penal sum of eight thousand dollars for each permit up to eight acres and five hundred dollars for each acre thereafter that is to be mined. In addition, for each acre or portion thereof where topsoil has been removed from the site, an additional bond of four thousand five hundred dollars per acre shall be posted with the commission for each acre or portion thereof which will be revegetated, conditioned upon the faithful performance of the requirements set forth in sections 444.760 to [444.789] **444.790** and of the rules and regulations of the commission. In lieu of a surety bond, the operator may furnish a bond secured by a personal certificate of deposit or irrevocable letter of credit in an amount equal to that of the required surety bond on conditions as prescribed by the commission. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, such operator shall deposit a bond with the commission in the penal sum of five hundred dollars for each acre or portion thereof of land proposed thereafter by the operator to be subjected to surface mining for the mining permit year.

2. The bond shall remain in effect until the mined acreages have been reclaimed, approved and released by the commission. Forfeiture of such bond may be cause for denial of future permit applications.

3. A bond filed as above prescribed shall not be canceled by the surety except after not less than ninety days' notice to the commission and, in any case, not as to the acreage affected prior to the expiration of the notice period.

4. If the license to do business in this state of any surety upon a bond filed with the commission pursuant to sections 444.760 to [444.789] **444.790** shall be suspended, revoked, or canceled, or if the surety should act to cancel the bond, the operator, within sixty days after receiving notice thereof from the commission, shall substitute for such surety a good and sufficient corporate surety licensed to do business in this state or a bond secured by a certificate of deposit. Upon failure of the operator to make substitution of surety as herein provided, the commission shall have the right to suspend the permit of the operator until such substitution has been made.

5. The commission shall give written notice to the operator of any violation of sections 444.760 to [444.789] **444.790** or noncompliance with any of the rules and regulations promulgated by the commission hereunder and if corrective measures, approved by the commission, are not commenced within ninety days, the commission may proceed as provided in section 444.782 to request forfeiture of the bond.

6. The commission shall have the power to reclaim, in keeping with the provisions of sections 444.760 to [444.789] **444.790**, any affected land with respect to which a bond has been forfeited. The commission and any other agency and any contractor under a contract with the commission shall have reasonable right of access to the land affected to carry out such reclamation. The operator shall also have the right of access to the land affected to carry out

such reclamation and shall notify the landowner on lease holdings that such right exists.

7. Whenever an operator shall have completed all requirements [under] **pursuant to** the provisions of sections 444.760 to [444.789] **444.790** as to any affected land, he **or she** shall notify the commission thereof. If the commission determines that the operator has completed the requirements, the commission shall release the operator from further obligations regarding the affected land and the penalty of the bond shall be reduced proportionately.

444.782. The attorney general, upon request of the commission, shall institute proceedings to have the bond of the operator forfeited for violation by the operator of any of the provisions of sections 444.760 to [444.789] **444.790**. Before making such request of the attorney general, the commission shall notify the operator in writing of the alleged violation or noncompliance and shall afford the operator the right to appear before the commission at a hearing to be held not less than thirty days after the receipt of such notice by the operator. At the hearing the operator may present for the consideration of the commission, statements, documents and other information with respect to the alleged violation. After the conclusion of the hearing, the commission shall either withdraw the notice of violation or shall request the attorney general to institute proceedings to have the bond of the operator forfeited as to the land involved.

444.784. The commission may adopt and promulgate reasonable rules and regulations respecting the administration of sections 444.760 to [444.789] **444.790**. Any act authorized to be done by the director may be performed by any employee of the commission when designated by the director. All forfeitures collected after January 1, 1972, as provided in sections 444.760 to [444.789] **444.790**, shall be expended to reclaim and rehabilitate land affected in accordance with the provisions of sections 444.760 to [444.789] **444.790**. Insofar as is reasonably practicable, the funds shall be expended upon the lands for which the permit was issued and for which the bond was given.

444.786. Any person required by sections 444.760 to [444.789] **444.790** to have a permit who engages in the mining of minerals without previously securing a permit to do so as prescribed by sections 444.760 to [444.789] **444.790**, is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one thousand dollars. Each day of operation without the permit required by sections 444.760 to [444.789] **444.790** will be deemed a separate violation.

444.787. 1. The commission shall investigate surface mining operations in the state of Missouri. If the investigations show that surface mining is being or is going to be conducted without a permit in violation of sections 444.760 to [444.789] **444.790** or in violation of any revocation order, and the commission has not issued a variance, the commission shall request the attorney general to file suit in the name of the state of Missouri for an injunction and civil penalties not to exceed one thousand dollars per day for each day, or part thereof, the violation has occurred. Suit may be filed either in the county where the violation occurs or in Cole County.

2. If the investigation shows that a surface mining operation for which a permit has been issued is being conducted contrary to or in violation of any provision of sections 444.760 to [444.789] **444.790** or any rule or regulation promulgated by the commission or any condition imposed on the permit or any condition of the bond, the director may by conference, conciliation and persuasion endeavor to eliminate the violation. If the violation is not eliminated, the director shall provide to the operator by registered mail a notice describing the nature of the violation, corrective measures to be taken to abate the violation, and the time period for abatement. Within fifteen days of receipt of this notice the operator may request an informal conference with the director to contest the notice. The director may modify, vacate or enforce the notice and shall provide notice to the operator of his action within thirty days of the informal conference. If the operator fails to comply with the notice, as amended by the director, in the time prescribed within the notice, the director shall file a formal complaint with the commission for suspension or revocation of the permit, and for forfeiture of bond, or for appropriate corrective measures. When the director files a formal complaint, the commission shall cause to have issued and served upon the person complained against a written notice together with a copy of the formal complaint, which shall specify the provision of sections 444.760 to [444.789] **444.790** or the rule or regulation or the condition of the permit or of the bond of which the person is alleged to be in violation, a statement of the manner in, and the extent to which, the person is alleged to be in violation. The person complained against may, within fifteen days of receipt of the complaint, request a hearing before the commission. Such hearing shall be conducted in accordance with the provisions of section 444.789.

3. After due consideration of the hearing record, or upon failure of the operator to request a hearing by the date specified in the complaint, the commission shall issue and enter such final order and make such final determination as it shall deem appropriate under the circumstances. Included in such order and determination may be the revocation of any permit and to cease and desist operations. The commission shall immediately notify the respondent of its decision in writing by certified mail.

4. Any final order or determination or other final action by the commission shall be approved in writing by at

least four members of the commission. The commission shall not issue any permit to any person who has had a permit revoked until the violation that caused the revocation is corrected to the satisfaction of the commission. Any final order of the commission can be appealed in accordance with chapter 536, RSMo.

444.788. In the event the commission determines that any provisions of sections 444.760 to [444.789] **444.790**, rules and regulations promulgated thereunder, permits issued, conditions of the bond, or any final order or determination made by the commission or the director is being violated, the commission may, either after judicial review or simultaneously with judicial review, cause to have instituted a civil action, either in the county where the violation occurs or in Cole County, for injunctive relief, for collection of the civil penalty and for forfeiture of bond. The attorney general shall bring such action, at the request of the commission, in the name of the state of Missouri.

444.789. 1. Any hearing [under] **pursuant to** this section shall be of record and shall be a contested case.

2. Parties to such a hearing may make oral argument, introduce testimony and evidence, and cross-examine witnesses.

3. The hearing shall be before the commission or the chairman of the commission may designate one commission member as hearing officer, or may appoint a member in good standing of the Missouri Bar as hearing officer to hold the hearing and make recommendations to the commission, but the commission shall make the final decision thereon and any member participating in the decision shall review the record before making the decision.

4. In any such hearing any member of the commission may issue in the name of the commission notice of hearing and subpoenas as provided for in section 536.077, RSMo.

5. The rules of discovery that apply to any civil case shall apply to hearings held by the commission.

6. The administrative procedures in this section shall not apply to the public meetings pursuant to section 444.773.”; and

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

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

On motion of Representative Ransdall, **HB 453, as amended**, was ordered perfected and printed.

HB 501, relating to water pollution bonds, was taken up by Representative Bowman.

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

House Amendment No. 1

AMEND House Bill No. 501, Page 1, Section 644.572, Line 1, by striking the word “**2001**” and inserting in lieu thereof the word “**2002**”; and

Further amend said bill, Page 1, Section 644.574, Line 1, by striking the word “**2001**” and inserting in lieu thereof the word “**2002**”; and

Further amend said bill, Page 1, Section 644.576, Line 1, by striking the word “**2001**” and inserting in lieu thereof the word “**2002**”.

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

On motion of Representative Bowman, **HB 501, as amended**, was ordered perfected and printed.

HB 314, relating to social workers, was taken up by Representative Nordwald.

On motion of Representative Nordwald, **HB 314** was ordered perfected and printed.

Representative Merideth assumed the Chair.

THIRD READING OF HOUSE BILL

HS HB 381, relating to sale of tobacco products, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **HS HB 381** was read the third time and passed by the following vote:

AYES: 144

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

NOES: 003

Abel	Reynolds	Troupe
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PRESENT: 000

ABSENT WITH LEAVE: 013

Baker	Black	Burton	Ford	Green 73
Luetkenhaus	Marble	O'Toole	Overschmidt	Robirds
Scott	Secrest	St. Onge		

VACANCIES: 003

Representative Merideth declared the bill passed.

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 20 - Sportsmanship, Safety and Firearms

REFERRAL OF HOUSE BILL - APPROPRIATIONS

The following House Bill was referred to the Committee indicated:

HB 19 - Budget

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 659 - Retirement

HB 671 - Retirement

HB 672 - Retirement

HB 674 - Retirement

COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HB 725**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HB 865**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Insurance, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 644**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 664**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

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

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SB 256**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND Senate Bill No. 256, Page 2, Section 644.037, Lines 1- 4, by removing all of said section from the bill; and

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

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 716**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Ways and Means, Chairman Kennedy reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 590**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 816**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SB 256 - Fiscal Review and Government Reform (Fiscal Note)

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 200**, entitled:

An act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 76**, entitled:

An act to repeal section 92.402, RSMo 2000, relating to taxation for public mass transportation systems, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 135**, entitled:

An act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and 452.550, RSMo 2000, relating to the uniform child custody jurisdiction act, and to enact in lieu thereof forty new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 422**, entitled:

An act to repeal section 292.606, RSMo 2000, relating to the state emergency management agency, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 21, introduced by Representatives Villa and Carnahan, et al, relating to the qualifications of representatives and senators.

INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

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

HB 18, introduced by Representative Green (15), to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

INTRODUCTION OF HOUSE BILLS

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

HB 974, introduced by Representatives Levin, Holt, Moore, Foley, Kelly (27), Scott, Reid and Abel, et al, relating to personal information.

HB 975, introduced by Representatives Selby and Kreider, relating to health insurance coverage for maple syrup urine disease.

HB 976, introduced by Representative Troupe, relating to dogs.

HB 977, introduced by Representative Ladd Baker, relating to forensic DNA testing and evidence.

HB 978, introduced by Representatives Merideth, Crowell, Troupe, Myers, Mayer, Coleman, Black, Naeger and Britt, et al, relating to regional child assessment centers.

HB 979, introduced by Representative Bearden, et al, relating to recall elections for school board members.

HB 980, introduced by Representative Kreider, relating to approval of contractors by the department of transportation.

HB 981, introduced by Representatives Willoughby, Shields, Kreider, Levin, Johnson (90), Hanaway and Monaco, relating to tort immunity for teachers reporting violent acts.

HB 982, introduced by Representatives Selby and Ward, relating to a property tax abatement for volunteer firefighters.

HB 983, introduced by Representatives Selby and Ward, relating to wrongful termination of certain employees.

HB 984, introduced by Representatives King, Black and Myers, et al, relating to purple martins.

HB 985, introduced by Representatives Abel, Selby, Green (15), Johnson (90), Hollingsworth, McKenna and Wagner, et al, relating to emission inspections.

HB 986, introduced by Representatives Reid, Lowe, Johnson (61), Selby, Coleman and Hoppe, et al, relating to motor vehicle safety and repair.

HB 987, introduced by Representatives Relford and Legan, relating to the home-delivered meal program.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Bland has been appointed a member of the Commerce and Economic Development Committee and the Education-Higher Committee.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, March 15, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Forty-first Day, Tuesday, March 13, 2001, pages 670 and 671, roll call, by showing Representative Fares voting “aye” rather than “absent with leave”.

Pages 670 and 671, roll call, by showing Representative Fares voting “aye” rather than “absent with leave”.

Pages 671 and 672, roll call, by showing Representative Fares voting “aye” rather than “absent with leave”.

Pages 678 and 679, roll call, by showing Representative Levin voting “aye” rather than “absent with leave”.

Pages 679 and 680, roll call, by showing Representatives Copenhaver, Crawford, Levin and Reinhart voting “aye” rather than “absent with leave”.

Pages 685 and 686, roll call, by showing Representative Marsh voting “no” rather than “absent with leave”.

Pages 686 and 687, roll call, by showing Representatives Hickey and Marsh voting “aye” rather than “absent with leave”.

COMMITTEE MEETINGS

AGRICULTURE

Thursday, March 15, 2001, 9:00 am. Hearing Room 4.

To be considered - Executive Session - HB 904

CIVIL AND ADMINISTRATIVE LAW

Thursday, March 15, 2001. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 891

CORRECTIONAL & STATE INSTITUTIONS

Thursday, March 15, 2001, 9:30 am. Hearing Room 7.

Executive Session will follow.

To be considered - HB 879, HB 909, HB 951, HB 961

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Monday, March 26, 2001, 8:00 pm. Hearing Room 3.

To be considered - HB 703, HB 920, Executive Session - HB 357, Executive Session - HB 511

ENVIRONMENT AND ENERGY

Thursday, March 15, 2001, 8:30 am. Hearing Room 5.

Executive Session may follow.

To be considered - HB 802

FISCAL REVIEW AND GOVERNMENT REFORM

Thursday, March 15, 2001, 8:30 am. Hearing Room 3. (Fiscal Note).

To be considered - HB 107, HB 166

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 15, 2001, 9:00 am. Hearing Room 1.

JUDICIARY

Thursday, March 15, 2001. Hearing Room 6 upon adjournment.

To be considered - HB 945, HB 950, Executive Session - HB 456, Executive Session - HB 677,

Executive Session - HB 945, Executive Session - HB 950

LOCAL GOVERNMENT AND RELATED MATTERS

Thursday, March 15, 2001, 9:00 am. Hearing Room 2.

Executive Session. To be considered - HB 936

SPECIAL COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

Monday, March 26, 2001, 1:00 pm. Hearing Room 3.

MU Sports Arena, Jordan Valley Park.

SUBCOMMITTEE ON TOBACCO SETTLEMENT

Thursday, March 15, 2001. Hearing Room 3 upon adjournment.

House Bill 14 tobacco settlement. Public testimony.

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, March 26, 2001, 8:00 pm. Hearing Room 7.

Executive Session may follow.

To be considered - HB 844, HB 956, HB 957

URBAN AFFAIRS

Tuesday, March 27, 2001. Hearing Room 1 upon evening adjournment.

Possible Executive Session to follow.

To be considered - HR 756

UTILITIES REGULATION

Thursday, March 15, 2001, 8:15 am. Hearing Room 6.

Executive Session may follow.

To be considered - HB 766, HB 826

WAYS AND MEANS

Thursday, March 15, 2001, 9:30 am. Side gallery.

To be considered - Executive Session - HB 362, Executive Session - HB 825,
Executive Session - HB 933

HOUSE CALENDAR

FORTY-THIRD DAY, THURSDAY, MARCH 15, 2001

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 21

HOUSE BILLS FOR SECOND READING

HB 974 through HB 987

HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 18

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HB 114 - Hickey
- 3 HCS HB 327 - Rizzo

HOUSE BILLS FOR PERFECTION - CONSENT

(March 12, 2001)

- 1 HB 603 - Hilgemann
- 2 HB 788 - O'Connor
- 3 HB 742 - Harding
- 4 HB 361 - Shoemyer
- 5 HB 808 - Gratz
- 6 HB 691 - Barnett
- 7 HB 454 - Monaco
- 8 HB 212 - Ward
- 9 HB 757 - Shoemyer
- 10 HB 477 - Graham
- 11 HB 45 - Farnen
- 12 HB 459 - Liese
- 13 HB 420 - Williams
- 14 HB 732 - Hosmer

- 15 HB 642 - Relford
- 16 HB 626 - Hosmer
- 17 HB 693 - Smith
- 18 HB 769 - Harlan
- 19 HB 537 - Ostmann
- 20 HB 544 - Holand
- 21 HB 318 - O'Toole
- 22 HB 385 - Franklin

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- 1 HB 949 - Barry
- 2 HB 725 - Britt
- 3 HB 590 - Graham
- 4 HB 648 - Ostmann
- 5 HB 664 - Skaggs
- 6 HB 897 - Kreider
- 7 HB 716 - Burton
- 8 HB 796 - Hosmer
- 9 HB 865 - Davis
- 10 HB 458 - Lawson
- 11 HB 805 - Mayer
- 12 HB 821 - Hosmer
- 13 HB 285 - Riback Wilson (25)
- 14 HB 816 - Kennedy
- 15 HB 644 - Burton

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

- 1 HB 1 - Bonner
- 2 HCS HB 2 - Graham
- 3 HCS HB 3 - Graham
- 4 HCS HB 4 - Bonner
- 5 HCS HB 5 - Bonner
- 6 HCS HB 6 - Ransdall
- 7 HCS HB 7 - Ransdall
- 8 HCS HB 8 - Kelly (27)
- 9 HCS HB 9 - Kelly (27)
- 10 HCS HB 10 - Riback Wilson (25)
- 11 HCS HB 11 - Troupe
- 12 HCS HB 12 - Bonner

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 26 - Wilson (42)
- 2 HS HCS HB 425 - O'Toole
- 3 HCS HB 738 - Liese
- 4 HS HCS HB 107, (Fiscal Review 3-13-01) - Clayton
- 5 HB 166, (Fiscal Review 3-13-01) - Troupe
- 6 HB 185 - Legan
- 7 HB 249 - Treadway
- 8 HCS HB 334 - Davis
- 9 HB 473 - Robirds
- 10 HB 321 - Skaggs
- 11 HS HB 421 - Hoppe
- 12 HB 444 - Kreider
- 13 HCS HB 754, 29, 300 & 505 - Franklin
- 14 HS HCS HB 762 - Barry
- 15 HB 453 - Ransdall
- 16 HB 501 - Bowman
- 17 HB 314 - Nordwald

SENATE BILLS FOR SECOND READING

- 1 SB 76
- 2 SB 135
- 3 SB 200
- 4 SB 422

SENATE BILL FOR THIRD READING

SB 256, HCA 1, (Fiscal Review 3-14-01) - O'Toole