

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

FIFTY-FOURTH DAY, TUESDAY, APRIL 10, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

God of progress through human history, our state stands ready to acknowledge Your presence. We could use more enthusiasm for the tasks at hand, more hope that our efforts are going somewhere, faith not only in You but also in ourselves, and a recommitment to the charity that binds the family of humankind together.

For many of us, this week holds out the promise that even suffering can have meaning. For all of us, of whatever religion or of no particular faith, steer all the works, joys, and sufferings of this day towards happy conclusions in You. 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: Jennifer Fowler, Alicia Leimkuehler, Sarah Yokley, Jordan Gerster, Patrick dePenaloza, Sarah Henke, Hannah Martin, Raheel Shaikh, Cissy Calvird, Lyndsey Patterson, Kenzie Tubbs, Eric Lu, Taylor Sasse, Caroline Sasse, Rachel Sasse, Kaleb Michael VanderFeltz and Christal Harris.

The Journal of the fifty-third day was approved as corrected by the following vote:

AYES: 087

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	Kennedy	Koller	Lawson
Liese	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	O'Connor	O'Toole	Overschmidt
Ransdall	Relford	Reynolds	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Skaggs
Smith	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Wagner	Walton
Ward	Wiggins	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 067

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

PRESENT: 001

Marsh

ABSENT WITH LEAVE: 005

Bartelsmeyer	Holand	Jetton	Kelly 36	Reid
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VACANCIES: 003

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1176

through

House Resolution No. 1178 - Representative Scott

House Resolution No. 1179 - Representative Merideth, et al

COMMITTEE REPORT

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

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 18**, **HCS HB 19** and **HS HB 891**, 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.

PERFECTION OF HOUSE BILL

HB 349, relating to elder abuse, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HB 349**.

Representative Wright raised a point of order that **HS HB 349** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

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

House Amendment No. 1

AMEND House Substitute for House Bill No. 349, Page 85, Section 208.151, Lines 6 to 14 of said page, by deleting all of said lines; and

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

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

Representative Ladd Baker offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Bill No. 349, Page 67, Section 208.010, Lines 21 and 22 of said page, by deleting the phrase "one thousand **five hundred**" and inserting in lieu thereof the following: "[one] **two** thousand"; and

Further amend said bill, Page 68, Section 208.010, Line 1 of said page, by deleting the word "**three**" and inserting in lieu thereof the word "**four**"; and

Further amend said bill, Page 85, Section 208.151, Lines 17 and 18 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**asset limits to two thousand dollars for a single person and four thousand dollars for a married couple. The**"; and

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

Representative Hosmer offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1
for
House Amendment No. 2*

AMEND House Substitute for House Bill No. 349, Page 67, Section 208.010, Lines 21 and 22 of said page, by deleting the phrase "one thousand **five hundred**" and inserting in lieu thereof the following: "[one] **three** thousand"; and

Further amend said bill, Page 68, Section 208.010, Line 1 of said page, by deleting the word "**three**" and inserting in lieu thereof the word "**five**"; and

Further amend said bill, Page 85, Section 208.151, Lines 17 and 18 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**asset limits to three thousand dollars for a single person and five thousand dollars for a married couple. The**"; and

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

On motion of Representative Hosmer, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Substitute for House Bill No. 349, Page 64, Section 208.010, Line 14, by inserting after “**assistance shall be denied.**” the following:

“For the purpose of determining eligibility for medicaid and medicare benefits for persons sixty-five years of age and older, “resources” does not include the cash value of an insurance policy that has a value of ten thousand dollars or less.”.

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

House Substitute Amendment No. 1 for House Amendment No. 3 was withdrawn.

House Amendment No. 3 was withdrawn.

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

House Amendment No. 3

AMEND House Substitute for House Bill No. 349, Page 8, Section 187.020, Lines 13 and 14 of said page, by deleting the following: “**Any second or subsequent violation is a class D felony.**”; and

Further amend said bill, Page 9, Section 187.024, Line 18 of said page, by deleting the words “, **if known,**”; and

Further amend said bill, Page 11, Section 187.024, Line 9 of said page, by inserting after the word “**neglect**” the phrase “, **or if the resident objects**”; and

Further amend said bill, Page 18, Section 187.050, Line 13 of said page, by inserting after the word “**falsification**” the phrase “, **or if the eligible adult not residing in a facility objects**”; and

Further amend said bill, Page 19, Section 187.050, Lines 2 and 3 of said page, by deleting all of said lines and inserting in lieu thereof the following: “**9. No person shall**”; and

Further amend said bill, Page 49, Section 198.067, Line 7 of said page, by deleting all of said line and inserting in lieu thereof the following: “**one hundred fifty dollars nor more than one thousand dollars**”; and

Further amend said bill, Page 49, Section 198.067, Lines 10 and 11 of said page, by deleting all of said lines and inserting in lieu thereof the following: “**than fifty dollars nor more than five hundred dollars**”; and

Further amend said bill, Page 49, Section 198.067, Line 13 of said page, by deleting all of said line and inserting in lieu thereof the following: “**than fifteen dollars nor more than one**”; and

Further amend said bill, Page 49, Section 198.067, Lines 17 and 18 of said page, by deleting all of said lines and inserting in lieu thereof the following: “**less than two hundred fifty dollars nor more than five hundred dollars**”; and

Further amend said bill, Page 52, Section 198.067, Line 7 of said page, by deleting the words "[ten] **twenty-five**" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 53, Section 198.082, Lines 1 to 11, by deleting all of said lines and inserting in lieu thereof the following:

"training program approved by the department [or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the nursing assistant's employment] **which shall be completed within one hundred twenty days of employment.** Training programs shall be offered at a location most reasonably accessible to the enrollees in each class. The program may be established **and carried out** by the skilled nursing or intermediate care facility **so long as that facility has not been cited for any class I violation within the past twenty-four months**, by a professional organization, or"; and

Further amend said bill, Page 54, Section 198.082, Line 15 of said page, by deleting the word "**ninety**" and inserting in lieu thereof the words "**one hundred twenty**"; and

Further amend said bill, Page 55, Section 198.082, Line 4 of said page, by deleting the words "[twelve] **thirty**" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 113, Section 491.076, Line 11 of said page, by inserting after the word "**reliability**" the phrase "**and the declarant was competent**"; and

Further amend said bill, Page 121, Section 660.051, Line 9 of said page, by inserting after the word "**reviewed**" the phrase "**and considered for summary publication**"; and

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

Representative Smith assumed the Chair.

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

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

House Amendment No. 4

AMEND House Substitute for House Bill No. 349, Page 101, Section 208.152, Line 22 of said page, by inserting after all of said line the following:

"210.900. 1. Sections 210.900 to 210.936 shall be known and may be cited as the "Family Care Safety Act".

2. As used in sections 210.900 to 210.936, the following terms shall mean:

(1) "Child-care provider", any licensed or license-exempt child-care home, any licensed or license-exempt child-care center, child-placing agency, residential care facility for children, group home, foster family group home, foster family home, employment agency that refers a child-care worker to parents or guardians as defined in section 289.005, RSMo. The term "child-care provider" does not include summer camps or voluntary associations designed primarily for recreational or educational purposes;

(2) "Child-care worker", any person who is employed by a child-care provider, or receives state or federal funds, either by direct payment, reimbursement or voucher payment, as remuneration for child-care services;

(3) "Department", the department of health;

(4) "Elder-care provider", any operator licensed pursuant to chapter 198, RSMo, **or any person, corporation, or association who provides in-home services under contract with the department of social services**, or any employer of nurses or nursing assistants of home health agencies licensed pursuant to sections 197.400 to 197.477, RSMo, or any nursing assistants employed by a hospice pursuant to sections 197.250 to 197.280, RSMo, or that portion of a hospital for which subdivision (3) of subsection 1 of section 198.012, RSMo,

applies;

(5) "Elder-care worker", any person who is employed by an elder-care provider, or who receives state or federal funds, either by direct payment, reimbursement or voucher payment, as remuneration for elder-care services;

(6) "Patrol", the Missouri state highway patrol;

(7) **"Employer", any child care provider, elder care provider, or personal care provider as defined in this section;**

(8) **"Personal-care attendant" or "personal-care worker", a person who performs routine services or supports necessary for a person with a physical or mental disability to enter and maintain employment or to live independently;**

(9) **"Personal-care provider", any person, corporation, or association who provides personal care services or supports under contract with the department of mental health, the division of aging, the department of health or the department of elementary and secondary education;**

(10) "Related child care", child care provided only to a child or children by such child's or children's grandparents, great-grandparents, aunts or uncles, or siblings living in a residence separate from the child or children;

[(8)] (11) "Related elder care", care provided only to an elder by an adult child, a spouse, a grandchild, a great-grandchild or a sibling of such elder."; and

Further amend said bill, Pages 101 and 102, Section 210.903, by deleting all of said section and inserting in lieu thereof the following:

"210.903. 1. To protect children [and], the elderly, **and disabled individuals** in this state, and to promote family and community safety by providing information concerning family caregivers, there is hereby established within the department of health a "Family Care Safety Registry and Access Line" which shall be available by January 1, 2001.

2. The family care safety registry shall contain information on child-care workers' [and], elder-care workers', **and personal-care workers'** background and on child-care, [and] elder-care **and personal care** providers through:

(1) The patrol's criminal record check system pursuant to section 43.540, RSMo, including state and national information, to the extent possible;

(2) Probable cause findings of abuse and neglect pursuant to sections 210.109 to 210.183 **or, as of January 1, 2003, financial exploitation of the elderly or disabled, pursuant to section 570.145, RSMo;**

(3) The division of aging's employee disqualification list pursuant to section [660.315] **187.080**, RSMo;

(4) **As of January 1, 2003, the department of mental health's employee disqualification registry;**

(5) Foster parent licensure denials, revocations and **involuntary** suspensions pursuant to section 210.496;

[(5)] (6) Child-care facility license denials, revocations and suspensions pursuant to sections 210.201 to 210.259; and

[(6)] (7) Residential living facility and nursing home license denials, revocations, suspensions and probationary status pursuant to chapter 198, RSMo."; and

Further amend said bill, Pages 102 to 104, Section 210.906, by deleting all of said section and inserting in lieu thereof the following:

"210.906. 1. **With the exception of non-contracted state employees**, every child-care [worker and], elder-care **or personal-care** worker hired on or after January 1, 2001, shall complete a registration form provided by the department. The department shall make such forms available no later than January 1, 2001, and may, by rule, determine the specific content of such form, but every form shall:

(1) Request the valid Social Security number of the applicant;

(2) Include information on the person's right to appeal the information contained in the registry pursuant to section 210.912;

(3) Contain the signed consent of the applicant for the background checks required pursuant to this section; and

(4) Contain the signed consent for the release of information contained in the background check for **licensure or employment** purposes only.

2. Any person hired on or after January 1, 2001, shall complete a registration form within fifteen days of the beginning of such person's employment. Any person employed as a child-care [worker or], elder-care **or personal-care** worker who fails to submit a completed registration form to the department of health as required by sections 210.900 to 210.936 **and any employer under contract with the state who fails to confirm an employee's registration**

without good cause, as determined by the department, is guilty of a class B misdemeanor.

3. The costs of the criminal background check may be paid by the individual applicant, or by the provider if the applicant is so employed, or for those applicants receiving public assistance, by the state through the terms of the self-sufficiency pact pursuant to section 208.325, RSMo. Any moneys remitted to the patrol for the costs of the criminal background check shall be deposited to the credit of the criminal record system fund as required by section 43.530, RSMo.

4. Any person not required to register pursuant to the provisions of sections 210.900 to 210.936 may also be included in the registry if such person voluntarily applies to the department for registration and meets the requirements of this section and section 210.909, including submitting to the background checks in subsection 1 of section 210.909.

5. The provisions of sections 210.900 to 210.936 shall not extend to related child care [and], related elder care **or related personal-care.**"; and

Further amend said bill, Pages 104 to 106, Section 210.909, by deleting all of said section and inserting in lieu thereof the following:

"210.909. 1. Upon submission of a completed registration form by a child-care worker [or], elder-care worker **or personal-care attendant**, the department, [in coordination with the department of social services,] shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant has been recorded pursuant to [section 210.145] **sections 210.109 to 210.183 or, as of January 1, 2003, if there is a probable cause finding of financial exploitation of the elderly or disabled pursuant to section 570.145, RSMo;**

(2) Determine if the applicant has been refused licensure or has experienced **involuntary** licensure suspension or revocation pursuant to section 210.496;

(3) Determine if the applicant has been placed on the employee disqualification list pursuant to section 660.315, RSMo;

(4) **As of January 1, 2003, determine if the applicant is listed on the department of mental health's employee disqualification registry;**

(5) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether the applicant has any conviction, plea of guilty or nolo contendere, or a suspended execution of sentence to a [felony] charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo; and

[(5)] (6) If the background check involves a provider, determine if a facility has been refused licensure or has experienced licensure suspension, revocation or probationary status pursuant to sections 210.201 to 210.259 or chapter 198, RSMo.

2. Upon completion of the background check described in subsection 1 of this section, the department shall include information in the registry for each registrant as to whether any felony convictions, employee disqualification listings [pursuant to section 660.315, RSMo], **registry listings**, probable cause findings, pleas of guilty or nolo contendere, or license denial, revocation or suspension have been documented through the records checks authorized pursuant to the provisions of sections 210.900 to 210.936.

3. The department shall notify such registrant in writing of the results of the determination recorded on the registry pursuant to this section."; and

Further amend said bill, Page 106, Section 210.915, Lines 3 to 15 of said page, by deleting all of said section and inserting in lieu thereof the following:

"210.915. The department of corrections, the department of public safety [and], the department of social services **and the department of mental health** shall collaborate with the department to compare records on child-care [and], elder-care **and personal-care** workers, and the records of persons with criminal convictions and the background checks pursuant to subdivisions (1) to (6) of subsection 2 of section 210.903, and to enter into any interagency agreements necessary to facilitate the receipt of such information and the ongoing updating of such information. The department[, in coordination with the department of social services,] shall promulgate rules and regulations concerning such updating, including subsequent background reviews as listed in subsection 1 of section 210.909."; and

Further amend said bill, Pages 106 to 108, Section 210.921, by deleting all of said section and inserting in lieu thereof the following:

"210.921. 1. The department shall not provide any registry information pursuant to this section unless the department obtains [by asking for] the name and address of the person calling, and determines that the inquiry is for **licensure or** employment purposes only. For purposes of sections 210.900 to 210.936, "employment purposes" includes direct employer-employee relationships, prospective employer-employee relationships, and screening and interviewing of persons or facilities by those persons contemplating the placement of an individual in a [child- or] **child-care, elder-care or personal-care** setting. Disclosure of background information concerning a given applicant recorded by the department in the registry shall be limited to:

(1) Confirming whether the individual is listed in the registry; and
 (2) Indicating whether the individual has been listed or named in any of the background checks listed in subsection 2 of section 210.903. If such individual has been so listed, the department of health shall only disclose the name of the background check in which the individual has been identified. **With the exception of any agency licensed by the state to provide child care, elder care or personal care which shall receive specific information immediately if requested,** any specific information related to such background check shall only be disclosed after the department has received a signed request from the person calling, with the person's name, address and reason for requesting the information.

2. Any person requesting registry information shall be informed that the registry information provided pursuant to this section consists only of information relative to the state of Missouri and does not include information from other states or information that may be available from other states.

3. Any person who uses the information obtained from the registry for any purpose other than that specifically provided for in sections 210.900 to 210.936 is guilty of a class B misdemeanor.

4. When any registry information is disclosed pursuant to subdivision (2) of subsection 1 of this section, the department shall notify the registrant of the name and address of the person making the inquiry.

5. The department of health staff providing information pursuant to sections 210.900 to 210.936 shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions; provided, however, any department of health staff person who releases registry information in bad faith or with ill intent shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the release of registry information. The department is prohibited from selling the registry or any portion of the registry for any purpose including "employment purposes" as defined in subsection 1 of this section.

210.927. The department of health shall make an annual report, no later than July first of each year, to the speaker of the house of representatives and the president pro tem of the senate on the operation of the family care safety registry and toll-free telephone service, including data on the number of information requests received from the public, identification of any barriers encountered in administering the provisions of sections 210.900 to 210.936, recommendations for removing or minimizing the barriers so identified, and any recommendations for improving the delivery of information on child-care [workers and], elder-care **and personal-care** workers to the public.

210.930. By January 1, 2001, the department shall provide a report to the speaker of the house and president pro tem of the senate with recommendations on:

(1) Ensuring that thorough background checks are conducted on all providers pursuant to sections 210.900 to 210.936 without duplicating background checks that are required or have been conducted pursuant to other provisions in state law;

(2) Ensuring that data obtained from background checks which are currently available or may be required by law after August 28, 1999, are included in the registry;

(3) The feasibility of transferring the responsibility of conducting background checks on providers to the registry;

(4) [Providing information and access to the registry for personal care attendants for the disabled;

(5)] Including a national screening process on a voluntary and mandatory basis within the registry; and

[(6)] **(5)** Effecting Internet access to the registry."; and

Further amend said bill, Pages 108 and 109, Section 210.933, by deleting all of said section and inserting in lieu thereof the following:

"210.933. **1. Until January 1, 2002**, for any elder-care worker listed in the registry or who has submitted the registration form as required by sections 210.900 to 210.936, an elder-care provider may access the registry in lieu of the requirements established pursuant to section [660.315] **187.080**, RSMo, or to subsections 3, 4 and 5 of section [660.317] **187.084**, RSMo.

2. Effective January 1, 2002, elder-care providers subject to the provisions of section 187.084, RSMo, shall access the family care safety registry to satisfy the employee disqualification provisions specified therein."; and

Further amend said bill, Page 109, Section 210.936, Lines 9 to 14 of said page, by deleting all of said section and inserting in lieu thereof the following:

"210.936. For purposes of providing background information pursuant to sections 210.900 to 210.936, reports and related information pursuant to sections [198.070 and] **187.020 to 187.028, 187.050 and 187.080, RSMo, section 198.090, RSMo, sections 210.109 to 210.183 and [sections 660.300 to 660.315] section 630.170, RSMo**, shall be deemed public records."; and

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

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

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

House Amendment No. 5

AMEND House Substitute for House Bill No. 349, Page 127, Section 660.401, Line 5 of said page, by inserting after all of said line the following:

"660.600. As used in sections 660.600 to 660.608, the following terms mean:

- (1) ["Division", the division of aging of the department of social services;
- (2)] "Long-term care facility", any facility licensed pursuant to chapter 198, RSMo, and long-term care facilities connected with hospitals licensed pursuant to chapter 197, RSMo;
- [(3)] **(2)** "Office", the office of the state ombudsman for long-term care facility residents;
- [(4)] **(3)** "Ombudsman", the state ombudsman for long-term care facility residents;
- [(5)] **(4)** "Regional ombudsman coordinators", designated individuals working for, or under contract with, the area agencies on aging, and who are so designated by the [area agency on aging] **office of lieutenant governor** and certified by the ombudsman as meeting the qualifications established by the [division] **office of lieutenant governor**;
- [(6)] **(5)** "Resident", any person who is receiving care or treatment in a long-term care facility.

660.603. 1. There is hereby established within the [division of aging] **office of lieutenant governor** the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his **or her** entire time to the duties of his **or her** position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The [division] **office of lieutenant governor** shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

- (1) Enter any long-term care facility and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying [these] complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. Where written consent or written documentation from a representative of the office to support oral consent of the complainant, resident or the legal representative of such resident exists, the office or regional ombudsman coordinator may make a report of the suspected abuse or neglect of the resident to the central registry pursuant to section 660.263.

7. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services in the state and shall recommend to the [division] **office of lieutenant governor** changes in such laws, regulations and policies deemed by the office to be appropriate.

[7.] 8. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

[8.] 9. The office shall develop and establish [by regulation of the division] statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

[9.] 10. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

- (1) Establish and conduct recruitment programs for volunteers;
- (2) Establish and conduct training seminars, meetings and other programs for volunteers; and
- (3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

[10.] 11. The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

[11.] 12. The administrator of each facility shall ensure that such written notice is given to every resident or [his] **every resident's** guardian upon admission to the facility and to every person already in residence, or to his **or her** guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth [in the regulations adopted by the division] **by the office of lieutenant governor**.

[12.] 13. The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

14. All funding and full-time employees designated for the office of the state ombudsman for long-term care facility residents shall be transferred from the division of aging within the department of social services to the office of the lieutenant governor.

15. The office of lieutenant governor may establish additional ombudsman programs relating to elder care if the office of lieutenant governor obtains the necessary funding for such a program. The office of lieutenant governor shall actively seek any state or federal funding sources available to implement the provisions of this subsection.

660.604. There is hereby established a five-member "Long-term Care Facility Ombudsman Advisory Commission". The lieutenant governor shall serve as a permanent member of the commission with the remaining four members to be appointed by the lieutenant governor to oversee the transfer of the state ombudsman from the division of aging to the office of the lieutenant governor. The commission shall also assist the state ombudsman with policy issues and the development of the state ombudsman program to ensure statewide consistency in the implementation of the program. Ombudsman commissioners shall be appointed for four-year terms, except the first commission shall be appointed as follows: two members to a four-year term, one member to a three-year term and one member to a two-year term. Each commissioner shall hold office until his or her successor has been appointed and qualified."; and

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

Speaker Pro Tem Abel resumed the Chair.

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

Representative Johnson (90) offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Bill No. 349, Page 113, Section 491.076, Line 21 of said page, by inserting after all of said line the following:

"565.200. 1. Any owner or employee of a long-term care facility, as defined in section 660.600, RSMo, or an in-home services provider agency, as defined in section 660.250, RSMo, who:

(1) Has sexual contact, as defined in section 566.010, RSMo, with a resident or client is guilty of a class B misdemeanor. Any person who commits a second or subsequent violation of this subdivision is guilty of a class A misdemeanor; or

(2) Has sexual intercourse or deviant sexual intercourse, as defined in section 566.010, RSMo, with a resident or client is guilty of a class D felony. Any person who commits a second or subsequent violation of this subdivision is guilty of a class C felony.

2. Consent of the victim is no defense to a prosecution pursuant to this section.

3. The provisions of this section shall not apply to an owner or employee of a long-term care facility or in-home services provider agency who engages in sexual conduct, as defined in section 566.010, RSMo, with a resident or client to whom the owner or employee is married."; and

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

On motion of Representative Johnson (90), **House Amendment No. 6** was adopted.

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

House Amendment No. 7

AMEND House Substitute for House Bill No. 349, Page 143, Section 2, Line 1 of said page, by inserting after all of said section the following:

"Section 3. No long-term care facility shall be more than one hundred twenty days delinquent in payments to vendors of essential services, including but not limited to vendors of food, utilities, maintenance or pharmaceutical supplies, if such delinquency affects the quality of care received by the facility's residents. Upon receipt and verification of a complaint of delinquency of payment from a vendor of essential services, the division of aging may require the facility to draft a plan of correction. If the division determines that the corrective measures are inadequate or have not been implemented, the division may impose sanctions against the facility, including revocation of the facility's license."; and

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

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

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

AMEND House Substitute for House Bill No. 349, Page 101, Section 208.152, Line 22 of said page, by inserting after all of said section the following:

"210.025. 1. To qualify for receipt of state or federal funds for providing child-care services in the home either by direct payment or through reimbursement to a child-care beneficiary, an applicant and any person over the age of eighteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145. Effective January 1, 2001, the requirements of this subsection or subsection 2 of this section shall be satisfied through registration with the family care safety registry established in sections 210.900 to 210.936. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child-care services in the home, the division of family services shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of eighteen who is living in the applicant's home has been recorded pursuant to section 210.221 or 210.145;

(2) Determine if the applicant or any person over the age of eighteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496; and

(3) Request a criminal background check of the applicant and any person over the age of eighteen who is living in the applicant's home pursuant to section 43.540, RSMo.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant or any person over the age of eighteen who is living in the applicant's home:

(1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, **any misdemeanor offense pursuant to chapter 565, RSMo, when the victim is a child**, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo, with the exception of the sale of fireworks, as defined in section 320.110, RSMo, to a child under the age of eighteen; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge or any offenses or reports which will disqualify an applicant from receiving state or federal funds; **of any offense involving stalking of a person that is considered a felony in the jurisdiction where such offense is charged; of any offense of prostitution, robbery or arson whether a misdemeanor or felony; or of any offense involving a firearm whether a misdemeanor or felony.**

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of eighteen who is living in the applicant's home listed in subsection 2 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of eighteen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly

pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

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

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

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

House Amendment No. 9

AMEND House Substitute for House Bill No. 349, Page 64, Section 208.010, Line 14, by inserting after the phrase "assistance shall be denied." the following:

"For the purpose of determining eligibility for medicaid benefits for persons sixty-five years of age and older, "resources" does not include the cash value of any and all insurance policies that have a total cash value of five thousand dollars or less, provided that such policy or policies shall have been in effect for at least (5) years."

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

Which motion was defeated.

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

House Amendment No. 10

AMEND House Substitute for House Bill No. 349, Page 9, Section 187.020, Line 13, by inserting after all of said line the following:

"7. Any and all information or data received pursuant to subsection 1 and 2 of this section shall be compiled in a database by the Department of Social Services. The department shall on an annual basis compile all the information or data in a report and annually release the report to the legislature, governor, state auditor, division of aging, and any other interested parties who may request it."

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

Which motion was defeated.

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

House Amendment No. 11

AMEND House Substitute for House Bill No. 349, Page 1, In the Title, Line 5, by inserting the words "**210.001**," after "**208.152**,"; and

Further amending said bill, Page 1, in the Enactment Section, Line 17, by inserting the words "**210.001**," after "**208.152**,"; and

Further amending said bill, Page 1, in the Enactment Section, Line 20, by deleting the word “**fifty**” and inserting in lieu thereof the word “**fifty-one**”; and

Further amending said bill, Page 1, in the Enactment Section, Line 26, by inserting the words “**210.001,**” after “**208.152,**”; and

Further amending said bill, Page 101, Line 22, by inserting after all of said line the following:

“210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

(1) The St. Louis City child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center;

(8) The St. Charles County child assessment center;

(9) The Jefferson County child assessment center; [and]

(10) The Pettis County child assessment center;

(11) The Southeast Missouri Network Against Sexual Violence; and

(12) The Lakes Area Child Advocacy Center.”

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

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

Representative Boatright raised a point of order that **House Amendment No. 12** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Hosmer, **HS HB 349, as amended**, was adopted.

On motion of Representative Hosmer, **HS HB 349, as amended**, was ordered perfected and printed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 28**, entitled:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation's policies on fuel production; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs, and the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri's vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel costs that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources and boost our own economy by:

(1) Enacting reasonable price supports for domestically produced crude oil and for solar and other alternative fuel sources and in other ways encouraging exploration for domestic petroleum sources in a manner that does not adversely impact the environment;

(2) Encouraging and creating incentives for fuel conservation measures that do not harm the economy; and

(3) Encouraging and creating incentives for research, development and use of alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

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 Kreider.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Caitlin Vaughn.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1180

through

House Resolution No. 1182 - Representatives Ross and Lograsso
House Resolution No. 1183 - Representative Ford
House Resolution No. 1184 - Representative Crump
House Resolution No. 1185 - Representative Wilson (42)
House Resolution No. 1186 - Representative Shoemyer

PERFECTION OF HOUSE BILL

HCS HBs 835, 90, 707, 373, 641, 510, 516 & 572, relating to omnibus crime bill, was taken up by Representative Britt.

Representative Britt offered **HS HCS HBs 835, 90, 707, 373, 641, 510, 516 & 572**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 17, Section 217.690, Line 20, by inserting after all of said line the following:

"221.510. 1. This section shall be known as "Jake's Law" in honor of Jake Robel.

2. Every chief law enforcement official, sheriff, public jailer, private jailer, department of corrections official and regional jail district official shall conduct an inquiry of pending outstanding warrants for misdemeanors and felonies through the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) System on all prisoners about to be released, whether convicted of a crime or being held on suspicion of charges.

3. No prisoner, whether convicted of a crime or being held on suspicion of any charge, shall be released or transferred from a correctional facility, public jail or private jail to any other facility prior to having a local, state or federal warrant check conducted by a law enforcement official, sheriff or authorized member of a correctional facility, public jailer or private jailer.

4. If any prisoner warrant check indicates outstanding charges or outstanding warrants from another jurisdiction, it shall be the duty of the official conducting the warrant check to inform the agency that issued the warrant that the correctional facility, public jail or private jail has such prisoner in custody. That prisoner shall not be released except to the custody of the jurisdictional authority that had issued the warrant, unless an official of warrant has been satisfied or dismissed, or unless the warrant issuing agency has notified the correctional facility, public jail or private jail holding the prisoner that the agency does not wish the prisoner to be transferred or the warrant to be pursued.

5. Any person may make a report to the attorney general's office and the prosecuting attorney for the county of jurisdiction, who may notify the Missouri state highway patrol for violations of this section. The highway patrol shall conduct an investigation. If, in the opinion of the superintendent of the Missouri highway patrol, the investigation yields reasonable grounds to believe that a violation of this section is occurring or has occurred, such person shall refer that information to either the attorney general of the state of Missouri or the prosecuting attorney of the county where the violation is alleged to have occurred.

6. If a law enforcement official, sheriff or authorized member of a correctional facility, public jailer or private jailer fails to perform a warrant check which results in the release of a prisoner with outstanding warrants, that individual shall be guilty of a class A misdemeanor."; and

Further amend said bill, Page 85, Section 574.085, Line 12, by inserting after all of said line the following:

"575.230. 1. A person commits the crime of aiding escape of a prisoner if [he] **the person:**

(1) Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or

(2) Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

2. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction is a class [D] **B** felony. Otherwise, aiding escape of a prisoner is a class A misdemeanor."; and

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

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 29, Section 491.707, Line 18 of said page, by inserting after all of said section the following:

"537.297. 1. The following words as used in this section shall have the following meanings:

(1) "Owner", all of the following persons:

(a) Any person who lawfully owns anhydrous ammonia;

(b) Any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia;

(c) Any person responsible for the installation or operation of such containers, equipment or storage facilities;

(d) Any person lawfully selling anhydrous ammonia;

(e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;

(f) Any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;

(2) "Tamperer", a person who commits or assists in the commission of tampering, or is related to a person who commits or assists in the commission of tampering;

(3) "Tampering", transferring or attempting to transfer anhydrous ammonia from its present container, equipment or storage facility to another container, equipment or storage facility, without prior authorization from the owners.

2. A tamperer assumes the risk of any personal injury, death and other economic and noneconomic loss arising from his or her participation in the act of tampering. A tamperer shall not commence a direct or derivative action against any owner. Owners are immune from suit by a tamperer and shall not be held liable

for any negligent act or omission which may cause personal injury, death or other economic or noneconomic loss to a tamperer.

3. The immunity from liability and suit authorized by this section is expressly waived for owners whose acts or omissions constitute willful or wanton negligence."; and

Further amend said bill, Page 76, Section 570.030, Line 15 of said page, by deleting all of said line and inserting in lieu thereof the following:

"anhydrous ammonia **or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen**, is a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.**"; and

Further amend said bill, Page 88, Section 577.020, Line 21 of said page, by inserting after all of said section the following:

"578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.

2. A violation of this section is a class D felony."; and

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

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 83, Section 570.120, Line 12, by inserting immediately after said line the following:

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

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Exhibits, in the presence of one or more persons, while on any school bus, or on the premises of any school or on the premises of any function or activity sponsored or sanctioned by the district school board, a firearm readily capable of lethal use in an angry or threatening manner; or

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

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

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

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

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

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

(12) Carries a firearm, readily capable of lethal use, into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by the district school board with the intent to use it.

2. Subdivisions (1), (3), (4), [(6), (7), (8), (9) and (10)] **(5), (7), (8), (9), (10), (11) and (12)** of subsection 1 of this section shall not apply to or affect any of the following:

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

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

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

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

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

(6) Any federal probation officer;

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

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

3. Subdivisions (1), [(5), (8) and (10)] **(6), (9), (11) and (12)** of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. [Subdivision (10)] **Subdivision (11) and (12)** of subsection 1 of this section [does] **do** not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm- related event.

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

5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision [(5), (6), (7) or (8)] **(6), (7), (8) or (9)** of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision [(10)] **(11)** of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision [(9)] **(10)** of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision [(9)] **(10)** of subsection 1 of this section results in injury or death to another person, it is a class A felony [., **or subdivision (5) or (12) of subsection 1 of this section in which case it is a felony for which the authorized term of imprisonment is a term of years not less than five and not to exceed seven years.**

6. Violations of subdivision [(9)] **(10)** of subsection 1 of this section shall be punished as follows:

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

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

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

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

7. Any person knowingly aiding or abetting any other person in the violation of subdivision [(9)] **(10)** of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

571.070. 1. A person commits the crime of unlawful possession of a concealable firearm if he **or she** has any concealable firearm in his **or her** possession and:

(1) He **or she** has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

(2) **At the same time he or she possesses or has under his or her control any controlled substance except thirty-five grams or less of marijuana; or**

(3) He **or she** is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a concealable firearm **committed pursuant to subdivisions (1) and (2) of subsection 1 of this section, is a felony for which the authorized term of imprisonment is a term of years not less than five years and not to exceed seven years; unlawful possession of a concealable firearm committed pursuant to subdivision (3) of subsection 1 of this section** is a class C felony.”.

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

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 62, Section 565.225, Line 18, by inserting after all of said line the following:

"565.310. 1. A person commits the crime of human cloning if that person knowingly engages in or knowingly attempts to engage in human cloning.

2. As used in this section the following terms mean:

(1) **"Human cloning", the use of human somatic cell nuclear transfer technology to produce a human embryo;**

(2) **"Human embryo", a human egg cell with a full genetic composition capable of differentiating and maturing as a complete human being;**

(3) **"Human somatic cell", a cell of a developing or fully developed human being that is not and will not become a sperm or egg cell;**

(4) **"Human somatic cell nuclear transfer", transferring the nucleus of a human somatic cell into an egg cell from which the nucleus has been removed or rendered inert.**

3. Nothing in this section shall be construed as prohibiting scientific research or cell-based therapies not specifically prohibited by this section.

4. Any person violating the provisions of this section is guilty of a class B felony.

5. Any corporation violating the provisions of this section is guilty of a felony for which the authorized punishment is a fine of not more than ten million dollars."; and

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

Representative Smith resumed the Chair.

On motion of Representative Reid, **House Amendment No. 4** was adopted by the following vote:

AYES: 135

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

NOES: 010

Bland	Boucher	Copenhaver	Fraser	Harlan
Hilgemann	Ostmann	Relford	Wilson 25	Wilson 42

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84	Ford	Franklin	Graham	Hagan-Harrell
Hickey	Hohulin	Holand	Lawson	Lograsso
Long	Moore	O'Toole	Scheve	Williams

VACANCIES: 003

Representative Wilson (42) offered House Amendment No. 5.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 83, Section 570.120, Line 12, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if [he] **the person** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Discharges or shoots a firearm into the air in violation of a local ordinance during calendar days of July third, July fourth, July fifth, December thirtieth, December thirty-first or January first, except when in legal pursuit of any wildlife or while engaging in or practicing for a recognized sport; or

[(4)] **(5)** Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

[(5)] **(6)** Possesses or discharges a firearm or projectile weapon while intoxicated; or

[(6)] **(7)** Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

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

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

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

2. Subdivisions (1), (3), (4), [(6), (7), (8) and (9)] **(5), (6), (7), (8), (9) and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

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

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

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

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

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

(6) Any federal probation officer;

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

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

3. Subdivisions (1), [(5) and (8)] **(6) and (9)** of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision [(5), (6), (7) or (8)] **(6), (7), (8) or (9)** of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (4) of subsection 1 of this section, in which case it is a class A misdemeanor**, or subdivision [(9)] **(10)** of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision [(9)] **(10)** of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision [(9)] **(10)** of subsection 1 of this section shall be punished as follows:

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

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

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

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

6. Any person knowingly aiding or abetting any other person in the violation of subdivision [(9)] **(10)** of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."; and

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

On motion of Representative Wilson (42), **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 67, Section 566.093, Line 16 of said page, by inserting after all of said section the following:

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

(1) "Animal", every creature, either alive or dead, other than a human being;

(2) "Sexual conduct with an animal", any touching of an animal with the genitals or any touching of the genitals or anus of an animal for the purpose of arousing or gratifying sexual desire.

2. No person shall engage in any sexual conduct with an animal, or cause, aid or abet another person to engage in any sexual conduct with an animal. No person shall permit any sexual conduct with an animal on any premises under such person's charge or control. No person shall engage in, promote, aid or abet any activity involving any sexual conduct with an animal for commercial or recreational purposes.

3. Any person who violates this section shall be guilty of a class D felony. Any person who violates this section in the presence of a minor or causes any animal serious physical injury or death while violating or attempting to violate this section shall be guilty of a class C felony.

4. In addition to the penalty imposed, the court may:

(1) Prohibit the defendant permanently or for a reasonable time from harboring animals or residing in any household where animals are present;

(2) Order the defendant to relinquish and permanently forfeit all animals residing in the defendant's household to a recognized or duly incorporated animal shelter or humane society, and order the defendant to reimburse such shelter or humane society for all reasonable costs incurred for the care and maintenance of the animals involved in the violation of this section; and

(3) Order psychological evaluation and counseling of the defendant, at the defendant's expense.

5. Nothing in this section shall be construed to prohibit generally accepted animal husbandry practices or generally accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.

6. Any person acting under authority of this section may seize any and all animals involved in the alleged violation. The defendant charged with violating this section shall be provided a disposition hearing pursuant to section 578.018, RSMo."; and

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

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

Representative Riback Wilson (25) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 13, Section 210.001, Line 21 of said page, by inserting after all of said line the following:

"210.104. 1. As used in sections 210.104 to 210.107, the following terms shall mean:

(1) **"Child booster seat", a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;**

(2) **"Child passenger restraint system", a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;**

(3) **"Driver", a person who drives or is in actual physical control of a motor vehicle.**

2. Every person transporting a child under the age of [four] **eight** years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child[. Such child shall be protected by a child passenger restraint system approved by the department of public safety.] **as follows:**

(1) **Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child; and**

(2) **Children at least four years of age but less than eight years of age shall be properly restrained in a properly secured booster seat appropriate for the age and weight of the child.**

[2.] 3. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than [twenty-five] **one hundred** dollars and court costs.

4. **Every car rental agency doing business in the state of Missouri shall inform its customers of the requirements of this section and shall provide for rental an appropriate child passenger safety restraint system.**

[3.] 5. The provisions of sections 210.104 to 210.107 shall not apply to any public carrier for hire.

210.107. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of [sections] **section** 210.104 [to 210.107. The department of public safety shall, within thirty days of September 28, 1983, promulgate standards for the performance, design, and installation of passenger restraint systems for children under four years of age in accordance with federal motor vehicle safety standards and shall approve those systems which meet such standards. No rule or portion of a rule promulgated under the authority of sections 210.104 to 210.107 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo]."; and

Further amend said bill, Page 16, Section 302.321, Line 4 of said page, by inserting after all of said line the following:

"307.178. 1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than [four] **eight** years of age shall be protected as required in section 210.104, RSMo. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section shall not be

applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.

3. Each driver of a motor vehicle transporting a child [four] **eight** years of age or more, but less than sixteen years of age, shall secure the child in a properly adjusted and fastened safety belt.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Each driver who violates the provisions of subsection 2 or 3 of this section is guilty of an infraction for which a fine not to exceed [ten] **one hundred** dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.

6. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The department of public safety shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

[7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this section.]; and

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

Speaker Kreider resumed the Chair

Representative Smith resumed the Chair.

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

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

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 24, Section 210.001, Line 24, by deleting all words in the original amendment and inserting in lieu thereof the following:

"No child under the age of 15 shall be allowed to ride in a motor vehicle".

Representative Hohulin moved that **House Substitute Amendment No. 1 for House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Long offered **House Substitute Amendment No. 2 for House Amendment No. 7**.

Representative Riback Wilson (25) raised a point of order that **House Substitute Amendment No. 2 for House Amendment No. 7** is not a true substitute amendment.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Speaker Kreider resumed the Chair.

Representative Riback Wilson (25) moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote.

AYES: 024

Abel	Baker	Boucher	Bowman	Bray 84
Brooks	Campbell	Carnahan	Copenhaver	Curls
Davis	Farnen	Foley	Franklin	Fraser
Graham	Hagan-Harrell	Harding	Harlan	Hilgemann
Relford	Shelton	Williams	Wilson 25	

NOES: 130

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boykins
Britt	Burcham	Burton	Byrd	Champion
Cierpiot	Clayton	Coleman	Cooper	Crawford
Crowell	Crump	Cunningham	Dempsey	Dolan
Enz	Fares	Froelker	Gambaro	Gaskill
George	Gratz	Green 15	Green 73	Griesheimer
Hampton	Hanaway	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Legan
Levin	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Wiggins	Willoughby	Wilson 42	Wright	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Ford
Mays 50

Hosmer

Johnson 61

Lawson

Liese

VACANCIES: 003

Representative Carnahan offered House Amendment No. 8.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 90, Section 578.610, Line 9, by inserting after all of said line the following:

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

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

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

[3.] 4. The remaining funds collected under subsection 1 of this section **shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds** shall be subject to the following provisions:

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

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100 **provided, however, that beginning October 1, 2006, if in any month, the amount in reserve for either fund shall be more than two hundred percent of the previous year's expenditures for that fund, then fifty percent of the revenue provided herein for that fund shall be paid instead to the tort victim's compensation fund;**

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

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

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

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

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100 **provided, however, that beginning October 1, 2006, if in any month, the amount in reserve for either fund shall be more than two hundred percent of the previous year's expenditures for that fund, then fifty percent of the revenue provided herein for that fund shall be paid instead to the tort victim's compensation fund;**

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

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

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

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

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

[8.] 9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses;

and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **5** of this section.

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

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

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

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

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

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

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

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

Further amend said bill, Page 93, Section 650.055, Line 15, by inserting after all of said line the following:

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

- (1) "Catastrophic crime", a violation of section 569.070, RSMo;**
- (2) "Office", the office for victims of crime;**
- (3) "Private agency", a private agency as defined in section 595.010, RSMo;**
- (4) "Public agency", a public agency as defined in section 595.010, RSMo;**

(5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

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

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

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

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

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

Representative Hosmer requested a division of the question.

Representative Carnahan raised a point of order that the request for a division of the question is out of order in that **House Amendment No. 8** is not divisible.

The division of the question was denied by the Chair based on Rule 78.

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

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 13, Section 210.001, Line 19 of said page, by deleting the word "**and**"; and

Further amend said bill, Page 13, Section 210.001, Line 21 of said page, by inserting after the word "**Violence**" the following:

"; and

(12) **The Lakes Area Child Advocacy Center**".

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

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

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 14, Section 214.131, Line 12, by inserting after all of said line the following:

"217.105. 1. There is hereby established within the department of corrections a "Corrections Officers Standards and Training Commission" which shall be composed of nine members, appointed by the governor, with the advice and consent of the senate. Two members of the commission shall be from the administration of the department of corrections, three members shall be from law enforcement agencies within the state, and three members shall be corrections officers below the rank of major currently employed by the department of corrections, one of whom shall be selected by the certified bargaining agent and one of whom shall be from a statewide association of corrections officers having membership in excess of five hundred corrections officers. One member shall be the chair of the department of criminal justice, or a comparable program, at an institution of higher education in this state.

2. Of the original members of the commission three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years. Thereafter the terms of the members of the commission shall be three years or until their successors are appointed.

3. The commission shall elect a chairman annually and shall meet at least twice annually as determined by the chairman. A majority of the members of the commission shall constitute a quorum.

4. No member of the commission shall receive any compensation for the performance of his or her official duties. Members may be reimbursed for expenses incurred in the course of such performance of his or her official duties.

5. The commission shall establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of corrections officers standards and training programs.

6. From and after January 1, 2003, no person shall hold the position of corrections officer in the Missouri department of corrections unless that person has enrolled in and successfully completed an instructional program designed to familiarize such person with his or her duties as a corrections officer as established by the commission and certified pursuant to section 590.200, RSMo. Persons who hold the position of corrections officer prior to January 1, 2003, may attend such programs voluntarily for the purpose of career advancement or to satisfy requirements for promotion or merit pay established by the department of corrections."; and

Further amend said bill, Page 90, Section 578.610, Line 9, by inserting after all of said line the following:

"590.200. 1. Pursuant to section 217.105, RSMo, a corrections officers certification program shall be established by the corrections officers standards and training commission. Certification shall be based on rules and curriculum established by the corrections officers standards and training commission. Certification for corrections officers shall be approved or denied after a review of performance and test results as established by the commission pursuant to section 217.105, RSMo.

2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

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

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

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

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 14, Section 214.131, Line 12, by inserting after all of said line the following:

"217.105. 1. There is hereby established within the department of corrections a "Corrections Officers Standards and Training Commission" which shall be composed of nine members, appointed by the governor, with the advice and consent of the senate. Two members of the commission shall be from the administration of the department of corrections, three members shall be from law enforcement agencies within the state, and three members shall be corrections officers below the rank of major currently employed by the department of corrections, one of whom shall be selected by the certified bargaining agent and one of whom shall be from a statewide association of corrections officers having membership in excess of five hundred corrections officers. One member shall be the chair of the department of criminal justice, or a comparable program, at an institution of higher education in this state.

2. Of the original members of the commission three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years. Thereafter the terms of the members of the commission shall be three years or until their successors are appointed.

3. The commission shall elect a chairman annually and shall meet at least twice annually as determined by the chairman. A majority of the members of the commission shall constitute a quorum.

4. No member of the commission shall receive any compensation for the performance of his or her official duties. Members may be reimbursed for expenses incurred in the course of such performance of his or her official duties.

5. The commission shall establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of corrections officers standards and training programs.

6. From and after January 1, 2002, no person shall hold the position of corrections officer in the Missouri department of corrections unless that person has enrolled in and successfully completed an instructional program designed to familiarize such person with his or her duties as a corrections officer as established by the commission and certified pursuant to section 590.200, RSMo. Persons who hold the position of corrections officer prior to January 1, 2002, may attend such programs voluntarily for the purpose of career advancement or to satisfy requirements for promotion or merit pay established by the department of corrections."; and

Further amend said bill, Page 90, Section 578.610, Line 9, by inserting after all of said line the following:

"590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

- (1) One hundred twenty hours as of August 28, 1993;**
- (2) Three hundred hours as of August 28, 1994; and**
- (3) Four hundred seventy hours as of August 28, 1996.**

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. Beginning on July 1, 2002, the Peace Officers Standards and Training Commission, with input from the department of corrections, shall establish a corrections officers certification program. After July 1, 2002, no person shall hold the position of corrections officer in the Missouri department of corrections unless that

person is certified subsequent to completion of an instructional program designed to familiarize such person with his or her duties as established by the commission. Persons who hold the position of corrections officer prior to July 1, 2002, may attend such programs voluntarily for the purpose of career advancement or to satisfy requirements for promotion or merit pay established by the department of corrections.

5. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

[5.] 6. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

[6.] 7. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

[7.] 8. The peace officers standards and training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

[8.] 9. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

[9.] 10. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

- (a) Physical abuse;
- (b) Sexual abuse;
- (c) Child fatalities;
- (d) Child neglect;
- (e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.

590.200. 1. Pursuant to section 217.105, RSMo, a corrections officers certification program shall be established by the corrections officers standards and training commission. Certification shall be based on rules and curriculum established by the corrections officers standards and training commission. Certification for corrections officers shall be approved or denied after a review of performance and test results as established by the commission pursuant to section 217.105, RSMo.

2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

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

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Gratz, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted by the following vote:

AYES: 143

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

NOES: 006

Boykins	Hohulin	Johnson 61	Murphy	Troupe
Walton				

PRESENT: 001

Abel

ABSENT WITH LEAVE: 010

Baker	Foley	Ford	Green 73	Harlan
Long	Reid	Roark	Scheve	Willoughby

VACANCIES: 003

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

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 28, Section 407.308, Line 15, by deleting all of said section; and

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

Representative Scott offered **House Substitute Amendment No. 1 for House Amendment No. 11**.

Representative Britt raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 11** is not germane to the underlying amendment.

The Chair ruled the point of order well taken.

On motion of Representative Champion, **House Amendment No. 11** was adopted by the following vote:

AYES: 115

Abel	Barry 100	Bartelsmeyer	Bartle	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Coleman	Cooper
Copenhaver	Crowell	Crump	Cunningham	Curls
Davis	Enz	Fares	Farnen	Franklin
Fraser	Gambaro	Gaskill	George	Green 15
Green 73	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hunter	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	Koller
Lawson	Legan	Levin	Liese	Linton
Lowe	Marble	Marsh	May 149	Merideth
Miller	Monaco	Moore	Murphy	Naeger
Nordwald	O'Connor	Ostmann	Overschmidt	Phillips
Portwood	Ransdall	Rector	Reinhart	Relford
Reynolds	Ridgeway	Rizzo	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Townley	Treadway
Van Zandt	Villa	Vogel	Walton	Ward
Wiggins	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 025

Barnett	Barnitz	Bearden	Burcham	Clayton
Crawford	Dempsey	Froelker	Graham	Griesheimer
Hegeman	Henderson	Jetton	King	Luetkemeyer
Mayer	Mays 50	Myers	Richardson	Robirds
Ross	Schwab	Surface	Thompson	Troupe

PRESENT: 000

ABSENT WITH LEAVE: 020

Baker	Ballard	Dolan	Foley	Ford
Gratz	Harlan	Hosmer	Lograsso	Long
Luetkenhaus	McKenna	O'Toole	Purgason	Reid
Roark	Scheve	Wagner	Williams	Willoughby

VACANCIES: 003

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

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 52, Section 558.019, Line 18 of said page, by inserting after all of said section the following:

"559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, RSMo, section 558.018, RSMo, section 565.020, RSMo, section 571.015, RSMo, and section 559.115.

2. The circuit court shall have the power to revoke the probation or parole previously granted and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. **Court-ordered restitution shall be paid by the defendant at all times while under court, state or county supervision, except during periods of incarceration, and such orders of restitution shall be enforced as provided in subdivision (18) of subsection 1 of section 595.209, RSMo.** The probation or parole may be revoked for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence."; and

Further amend said bill, Page 90, Section 578.610, Line 9 of said page, by inserting after all of said section the following:

"595.209. 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023, RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities, of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of

complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings and the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape in lieu of a personal appearance, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552, RSMo, of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, juvenile releasing authority or circuit court presiding over releases pursuant to the provisions of chapter 552, RSMo, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for participating in the preparation of a criminal

proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) A court order of restitution shall have the same full force and effect as a civil judgment and may be enforced and subject to execution, levy or any other remedy available to enforce a civil judgment.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses and telephone numbers or the addresses or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency by certified mail to the most current address provided by the victim shall constitute compliance with the victim notification requirement of this section.

5. Victims' rights as established in section 32 of article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer."; and

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

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

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

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Pages 17-19, Section 302.020, by deleting all of said section.

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

Representative Kelly (36) offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 85, Section 574.085, Line 12, by inserting after the word "**property**" the following:

“575.155. 1. A person commits the crime of eluding a law enforcement official if such person:

(1) Operates a motor vehicle after receiving a clearly visible flashing or revolving light and an audible signal, such as a red light or a siren, from a law enforcement official driving a motor vehicle, directing the person to bring the motor vehicle to a stop where such law enforcement official has a reasonable suspicion that a law or local ordinance has been violated; and

(2) Purposely increases the speed of the motor vehicle or extinguishes the lights of the motor vehicle for the purpose of eluding such law enforcement official; or

(3) Purposely attempts in any other manner to elude the law enforcement official; or

(4) Does elude such law enforcement official.

2. Eluding a law enforcement official is a class A misdemeanor.

3. Nothing in this section shall be construed to bar civil suits for unlawful arrest.

4. As used in this section, "law enforcement official" means anyone defined as a peace officer in section 590.100, RSMo.”; and

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

Representative Wright offered **House Substitute Amendment No. 1 for House Amendment No. 14.**

Representative Clayton assumed the Chair.

House Substitute Amendment No. 1 for House Amendment No. 14 was withdrawn.

Representative Wright offered **House Substitute Amendment No. 1 for House Amendment No. 14.**

*House Substitute Amendment No. 1
for
House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 and 572, Page 85, Section 574.085, Line 12, by inserting after the word “**property**” the following:

“575.155. 1. A person commits the crime of eluding a law enforcement official if such person:

(1) Operates a motor vehicle after receiving a clearly visible flashing or revolving light and an audible signal, such as a red light or a siren, from a law enforcement official driving a motor vehicle, directing the person to bring the motor vehicle to a stop where such law enforcement official has a reasonable suspicion that a law or local ordinance has been violated; and

(2) Purposely increases the speed of the motor vehicle or extinguishes the lights of the motor vehicle for the purpose of eluding such law enforcement official; or

(3) Purposely attempts in any other manner to elude the law enforcement official; or

(4) Does elude such law enforcement official.

2. Eluding a law enforcement official is a class D felony provided however the felony murder rule shall not apply to this felony.

3. Nothing in this section shall be construed to bar civil suits for unlawful arrest.

4. As used in this section, "law enforcement official" means anyone defined as a peace officer in section 590.100, RSMo.”; and

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

Representative Wright moved that **House Substitute Amendment No. 1 for House Amendment No. 14** be adopted.

Which motion was defeated.

On motion of Representative Kelly (36), **House Amendment No. 14** was adopted.

HCS HBs 835, 90, 707, 373, 641, 510, 516 & 572, with HS, as amended, pending, was laid over.

COMMITTEE REPORTS

Committee on Agriculture, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 307**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Committee on Criminal Law, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 223**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Committee on Elections, Chairman Seigfreid reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 148**, 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 663** and **HB 375**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 234**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

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 **SCS SBs 5 & 21**, entitled:

An act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 60**, entitled:

An act to repeal sections 208.151, 376.1209, 660.050, 660.058, 660.250, 660.260 and 660.300, RSMo 2000, relating to certain health care services, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 214, 124, 209 & 322**, entitled:

An act to repeal sections 556.036, 566.093, 573.037, 589.400 and 589.417, RSMo 2000, relating to sex offenders, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 323 & 230**, entitled:

An act to repeal sections 67.1360, 67.1775 and 210.861, RSMo 2000, relating to the collection of sales tax revenue by certain political subdivisions, and to enact in lieu thereof twenty-six 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 **SS SCS SB 372**, entitled:

An act to amend chapter 32, RSMo 2000, by adding thereto three new sections relating to assessment and collection procedures of the department of revenue.

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 385**, entitled:

An act to repeal sections 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210 and 326.230, RSMo 2000, relating to accountants, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 462**, entitled:

An act to repeal sections 274.060 and 409.401, RSMo 2000, and to enact in lieu thereof two new sections relating to cooperative marketing associations.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 11, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-third Day, Monday, April 9, 2001, pages 1013 and 1014, roll call, by showing Representative Hampton voting "aye" rather than "absent with leave".

Pages 1018 and 1019, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, April 11, 2001. Hearing Room 7 upon morning adjournment.
To be considered - HB 1006, SB 606

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 11, 2001. Side gallery upon morning adjournment.
Executive Session.

CHILDREN, FAMILIES, AND HEALTH

Thursday, April 12, 2001, 8:00 am. Hearing Room 3.
Executive Session will follow.
To be considered - HB 892, HB 964

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 11, 2001. Hearing Room 1 upon morning adjournment.
To be considered - Executive Session - HB 898, Executive Session - HB 921,
Executive Session - SB 72, Executive Session - SB 87, Executive Session - SB 370

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Wednesday, April 11, 2001. Side gallery upon noon adjournment.
Executive Session.
To be considered - SB 264, SB 274

EDUCATION - ELEMENTARY AND SECONDARY

Wednesday, April 11, 2001, 8:30 am. Hearing Room 3.
Executive Session may follow.
To be considered - HCR 23, SB 58, SB 201, SB 303, SB 321, SB 353, SB 543, SB 575

EDUCATION - HIGHER

Wednesday, April 11, 2001, 12:45 pm. Hearing Room 5.

Time of hearing will be upon adjournment if later than 12:45 pm.

Executive Session. AMENDED.

To be considered - SB 41, SB 284, SB 295

ENVIRONMENT AND ENERGY

Thursday, April 12, 2001, 8:30 am. Hearing Room 7.

To be considered - HB 923, Executive Session - HB 985, Executive Session - SB 149,

Executive Session - SB 374

LOCAL GOVERNMENT AND RELATED MATTERS

Thursday, April 12, 2001, 9:00 am. Hearing Room 1.

Executive Session.

To be considered - SB 191, SB 491

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 11, 2001, 8:00 am. Hearing Room 6.

Executive Session to follow. AMENDED.

To be considered - HB 969, HB 1020, HR 229, HR 922, HR 1008, SB 86, SB 441, SB 470

MISSOURI TOBACCO SETTLEMENT

Wednesday, April 11, 2001. Hearing Room 3 upon morning adjournment.

To be considered - HB 992, HB 1018

MUNICIPAL CORPORATIONS

Wednesday, April 11, 2001. Hearing Room 4 upon morning adjournment.

To be considered - SB 430

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 11, 2001, 8:00 am. Hearing Room 5.

To be considered - SB 207, SB 216, SB 357, SB 384, SB 393

RETIREMENT

Wednesday, April 11, 2001, 8:00 pm. Hearing Room 1.

Executive Session following hearing. AMENDED.

To be considered - HB 519, SB 316, SCR 27

SUBCOMMITTEE ON REDISTRICTING FOR CONGRESSIONAL DISTRICTS 1, 2, 3

Friday, April 13, 2001.

9:00 am, 2900 Arnold Tenbrook Rd., Arnold, MO.

2:00 pm, 2344 McKelvey, Maryland Heights, MO.

Public Hearing.

SUBCOMMITTEE ON REDISTRICTING FOR CONGRESSIONAL DISTRICTS 4,5,6,7,8,9
Thursday, April 12, 2001, 5:30 pm. Penn Valley Community College, Room 503.
Public hearing on Congressional Redistricting.

TRANSPORTATION

Wednesday, April 11, 2001. Hearing Room 6 upon morning adjournment.
Executive Session may follow.
To be considered - HB 959, HB 966, HB 1008, SB 406, SB 435, SB 436

UTILITIES REGULATION

Thursday, April 12, 2001, 8:15 am. Hearing Room 6.
Work Session and Executive Session to follow.
To be considered - SB 451

WAYS AND MEANS

Thursday, April 12, 2001, 9:45 am. Side gallery.
Executive Session.

HOUSE CALENDAR

FIFTY-FIFTH DAY, WEDNESDAY, APRIL 11, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 835, 90, 707, 373, 641, 510, 516 & 572, HS, as amended, pending - Britt
- 3 HB 286, HCA 1 & HCA 2 - Smith
- 4 HCS HB 280, 69, 497 & 689 - Hoppe
- 5 HB 527 - Luetkenhaus
- 6 HB 736 - Liese
- 7 HB 366 - Champion
- 8 HB 678 - Seigfreid
- 9 HB 436 - Merideth
- 10 HCS HB 472 - Burton
- 11 HCS HB 488 - Koller
- 12 HB 592, HCA 1 - Williams
- 13 HCS HB 660 - Hagan-Harrell
- 14 HB 555 - Foley
- 15 HCS HB 426 - O'Toole
- 16 HCS HB 831 - Carnahan
- 17 HCS HB 428 - Kelly (36)

- 18 HCS HB 593 - Riback Wilson (25)
- 19 HCS HB 170 - Froelker
- 20 HCS HB 239 - Smith
- 21 HB 715 - Foley
- 22 HCS HB 981 & 665 - Willoughby
- 23 HB 802 - Ransdall
- 24 HCS HB 374 - Fraser
- 25 HCS HB 780 - Scheve
- 26 HCS HB 853 & 258 - Crump
- 27 HCS HB 186 & 172 - Troupe
- 28 HCS HB 635 - Barry
- 29 HCS HB 868 - Merideth
- 30 HCS HB 253 - Ross
- 31 HCS HB 888, 942 & 943 - Scheve
- 32 HCS HB 293 - Kennedy
- 33 HB 809, HCA 1 - Carnahan
- 34 HCS HB 340, 303 & 316 - Graham
- 35 HB 640 - Johnson (90)
- 36 HCS HB 723 - Mays (50)
- 37 HCS HB 117 - Riback Wilson (25)
- 38 HCS HB 307 - Wiggins
- 39 HCS HB 663 & 375 - Kennedy

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HB 882 - Crump

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCR 4, (3-26-01, pages 799 & 800) - Williams
- 2 HCR 10, (3-27-01, page 830) - Holand
- 3 HCR 12, (3-29-01, page 894) - Haywood
- 4 HCR 24, (3-29-01, pages 891 & 892) - Boucher
- 5 HCR 5, (3-29-01, pages 892 & 893) - Mays (50)
- 6 HCR 6, (3-29-01, page 890) - Myers
- 7 HCR 25, (4-5-01, pages 1006 & 1007) - Graham

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

- 1 HCS HB 13 - Bonner
- 2 HCS HB 18 - Green (73)
- 3 HCS HB 19 - Green (73)

HOUSE BILLS FOR THIRD READING

- 1 HB 915, E.C. - Graham
- 2 HS HB 891 - Smith

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 402 - Boucher

SENATE CONCURRENT RESOLUTION FOR SECOND READING

SCR 28

SENATE BILLS FOR SECOND READING

- 1 SCS SB 5 & 21
- 2 SCS SB 60
- 3 SS SCS SB 214, 124, 209 & 322
- 4 SS SCS SB 323 & 230
- 5 SS SCS SB 372
- 6 SB 385
- 7 SB 462

BILL IN CONFERENCE

SCS HCS HB 15 - Green (73)