

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SIXTY-EIGHTH DAY, MONDAY, MAY 7, 2001

Speaker Kreider in the Chair.

Prayer by Representative Philip Willoughby.

Almighty God,

We are mindful this day of Your presence in our lives. We acknowledge Your supremacy over all we do. Bless our deliberations this week, we pray, through Christ, our Lord. 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: Dalton Wessley and Samuel Locker.

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

RESOLUTION

Representative Riback Wilson (25) offered House Resolution No. 1894.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1895 - Representative Moore
House Resolution No. 1896
and
House Resolution No. 1897 - Representative Relford
House Resolution No. 1898
and
House Resolution No. 1899 - Representative Luetkemeyer
House Resolution No. 1900 - Representative Dolan
House Resolution No. 1901 - Representative Levin
House Resolution No. 1902 - Representative Lawson
House Resolution No. 1903
through
House Resolution No. 1905 - Representative St. Onge
House Resolution No. 1906 - Representative Kelly (27)
House Resolution No. 1907 - Representative Portwood
House Resolution No. 1908 - Representative Froelker

House Resolution No. 1909 - Representative Behnen
House Resolution No. 1910 - Representative Haywood
House Resolution No. 1911 - Representative Fraser
House Resolution No. 1912 - Representative Clayton

SECOND READING OF SENATE BILL

SS SCS SBs 476, 427 & 62 was read the second time.

COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HB 715 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **SCS SB 236 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION

HR 229, relating to the use of the chamber, was taken up by Representative Crawford.

On motion of Representative Crawford, **HR 229** was adopted.

MOTION

Representative Green (73) moved that Rule 26 be suspended to allow the Committee on Budget to meet in the rear of the Senate Chamber on May 7, 2001, while the House is in session.

Which motion was adopted by the following vote:

AYES: 142

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Coleman	Copenhaver	Crawford	Crump	Curls
Davis	Enz	Fares	Farnen	Foley
Ford	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hickey	Hilgemann	Holand	Hollingsworth	Holt

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

NOES: 013

Cooper	Crowell	Cunningham	Dempsey	Dolan
Hanaway	Hendrickson	Hohulin	Hunter	Jetton
Phillips	Roark	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

Johnson 61	Lograsso	Reid	Van Zandt	Wiggins
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VACANCIES: 003

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 742, relating to conveyance in Platte County, was taken up by Representative Harding.

On motion of Representative Harding, **SCS HB 742** was adopted by the following vote:

AYES: 155

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

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Johnson 61	Kelly 36	Reid	Van Zandt	Wiggins
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VACANCIES: 003

On motion of Representative Harding, **SCS HB 742** was truly agreed to and finally passed by the following vote:

AYES: 154

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

Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 001

Barnitz

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper	Johnson 61	Lograsso	Reid	Wiggins
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VACANCIES: 003

Speaker Kreider declared the bill passed.

HB 502, with Senate Amendment No. 1, relating to conveyance in St. Francois County, was taken up by Representative Ward.

On motion of Representative Ward, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 155

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

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Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Baker	Johnson 61	Lowe	Reid	Wiggins
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VACANCIES: 003

On motion of Representative Ward, **HB 502, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 152

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Byrd	Enz	Johnson 61	Monaco
Reid	Robirds	Wiggins		

VACANCIES: 003

Speaker Kreider declared the bill passed.

Speaker Pro Tem Abel assumed the Chair.

SCS HCS HBs 302 & 38, as amended, relating to blood alcohol content violations, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuse to adopt **SCS HCS HBs 302 & 38, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

HCS HB 207, with Senate Committee Amendment No. 1, Senate Amendment No. 1 and Senate Amendment No. 2, relating to veterans' programs, was taken up by Representative Ross.

On motion of Representative Ross, the House concurred in **Senate Committee Amendment No. 1, Senate Amendment No. 1 and Senate Amendment No. 2** by the following vote:

AYES: 153

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

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Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Byrd	Crump	Franklin	Green 73	Johnson 61
Linton	Wiggins			

VACANCIES: 003

On motion of Representative Ross, **HCS HB 207, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 153

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Britt	Crump	Franklin	Johnson 61	Lograsso
Monaco	Wiggins			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 152

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Copenhaver	Crump	Fares	Franklin	Johnson 61
Lograsso	Van Zandt	Wiggins		

VACANCIES: 003

Representative Clayton assumed the Chair.

THIRD READING OF SENATE BILLS

HCS SB 371, relating to public retirement systems, was taken up by Representative O'Toole.

Representative O'Toole offered **HS HCS SB 371**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 56, Section 104.1003, Lines 9-12, by deleting all of said lines and inserting in lieu thereof the following:

“(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to Article XIII, Section 3 of the Missouri Constitution;”; and

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

Representative Abel moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 021

Abel	Bland	Boucher	Coleman	Farnen
Ford	Hagan-Harrell	Harlan	Hartzler	Haywood
Hickey	Koller	O'Connor	Overschmidt	Shelton
Skaggs	Thompson	Troupe	Villa	Walton
Wilson 42				

NOES: 131

Barnett	Barnitz	Barry 100	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Bonner	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Foley	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hampton	Hanaway	Harding
Hegeman	Henderson	Hendrickson	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Lawson	Legan	Levin	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	O'Toole	Ostmann	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve

Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemyer	Smith	St. Onge	Surface
Townley	Treadway	Van Zandt	Vogel	Wagner
Ward	Williams	Willoughby	Wilson 25	Wright
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Ballard	Franklin	Green 73	Johnson 61
Lograsso	Monaco	Wiggins		

VACANCIES: 003

Speaker Pro Tem Abel resumed the Chair.

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 13, Section 104.170, Line 20 of said page, by inserting after all of said line the following:

"104.175. The state highways and transportation commission is authorized, when requested by the highways and transportation employees' and highway patrol retirement system, to provide liability insurance covering the operation of all vehicles owned or leased or used by the system. The commission is also authorized, when requested by the system, to provide workers' compensation coverage for the executive director and employees of the system. In the event the commission provides such insurance coverage, the system shall reimburse the commission for all costs of such coverage."; and

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

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8 of said page, by inserting after said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, any member previously employed by a state agency or department in a position, or a contractual employee in a position funded by a federal grant, and who became employed in a covered position within one year of termination of such grant, shall receive credited service for the federal grant employment period under the same terms and conditions as provided in section 104.1021, RSMo."; and

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

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

Which motion was defeated by the following vote:

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AYES: 023

Abel	Bland	Bonner	Boucher	Bowman
Coleman	Curls	Davis	Ford	Fraser
George	Hagan-Harrell	Haywood	Hilgemann	Koller
O'Connor	Overschmidt	Shelton	Skaggs	Thompson
Villa	Walton	Wilson 42		

NOES: 123

Baker	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Boatright	Boykins	Bray 84
Britt	Burton	Byrd	Campbell	Champion
Cierpiot	Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Froelker
Gambaro	Graham	Gratz	Green 15	Griesheimer
Hampton	Hanaway	Harding	Harlan	Hartzler
Hegeman	Henderson	Hendrickson	Hickey	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kennedy	King	Lawson	Legan
Levin	Liese	Linton	Lograsso	Long
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Toole	Ostmann	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shoemyer
Smith	St. Onge	Surface	Townley	Troupe
Vogel	Wagner	Ward	Williams	Willoughby
Wilson 25	Wright	Mr. Speaker		

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 013

Burcham	Carnahan	Franklin	Gaskill	Green 73
Hohulin	Johnson 61	Kelly 36	Lowe	Shields
Treadway	Van Zandt	Wiggins		

VACANCIES: 003

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 27, Section 104.374, Line 22 of said page, by inserting after all of said line the following:

"4. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third of the benefit."; and

Further amend said bill, Page 49, Section 104.602, Line 20 of said page by inserting after all of said line the following:

"104.610. 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the highways and transportation employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefited from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the highways and transportation employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection

shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

9. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to the death of a member prior to retirement, who was married less than two years to the member at the time of the member's death, shall, upon application to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to what the system would have paid the person had the person been eligible for such survivor benefit upon the death of the member. Such benefit shall commence the first of the month following receipt by the system of an application from such person, but not earlier than September 1, 2000. In no event shall any retroactive benefits be paid.

10. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 4 of section 104.374 if such person were an active employee or beneficiary of an active employee, shall, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases pursuant to subsection 4 of section 104.374."; and

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

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

Which motion was defeated by the following vote:

AYES: 034

Abel	Ballard	Barnitz	Bartelsmeyer	Berkowitz
Berkstresser	Boucher	Britt	Burton	Crump
Farnen	Froelker	Griesheimer	Hagan-Harrell	Hampton
Hartzler	Henderson	King	Koller	McKenna
Overschmidt	Purgason	Reid	Relford	Robirds
Seigfreid	Selby	Shelton	Shoemyer	Surface
Thompson	Townley	Villa	Ward	

NOES: 113

Barnett	Barry 100	Bartle	Bearden	Behnen
Black	Bland	Boatright	Bonner	Bowman
Boykins	Bray 84	Brooks	Burcham	Byrd
Campbell	Carnahan	Champion	Cierpiot	Coleman
Cooper	Copenhaver	Crawford	Crowell	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Franklin	Fraser	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Hanaway
Harding	Harlan	Haywood	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	Lawson	Legan	Levin	Liese
Linton	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Phillips	Portwood	Ransdall	Rector	Reinhart
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Ross	Scheve	Schwab	Scott	Secrest
Skaggs	Smith	St. Onge	Treadway	Troupe
Van Zandt	Vogel	Walton	Williams	Willoughby
Wilson 25	Wright	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 013

Baker	Clayton	Foley	Ford	Green 73
Holand	Johnson 61	Long	Monaco	Shields
Wagner	Wiggins	Wilson 42		

VACANCIES: 003

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8 of said page, by inserting after said line the following:

"Section 1. 1. Any person who has been appointed or employed as a legal advisor pursuant to section 286.010, RSMo, prior to August 28, 2001, who is receiving or thereafter is qualified to receive retirement benefits pursuant to section 104.374, RSMo, shall upon application be made, constituted, appointed and employed by the board of trustees of the Missouri state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the administrative hearing commission, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services and in lieu of receiving benefits pursuant to section 104.374, RSMo, each such special consultant shall be eligible for all benefits payable pursuant to sections 287.812 to 287.856, RSMo, effective upon the later of August 28, 1999, or the date retirement benefits become payable. In no event shall retroactive benefits be paid.

2. The term "legal advisor" as defined in subdivision (6) of section 287.812, RSMo, shall be deemed to include any attorney or legal counsel appointed or employed pursuant to section 286.010, RSMo."; and

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

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

Representative Hollingsworth moved that **HS HCS SB 371, as amended**, be referred to the Committee on Fiscal Review and Government Reform prior to the vote to Third Read and Finally Pass **HS HCS SB 371, as amended**.

Which motion was adopted.

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

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

The Chair ruled the point of order well taken.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8, by inserting after all of said line the following:

“Section 1. For the purposes of public retirement systems administered pursuant to chapter 104, RSMo, any reference to the term “spouse” only recognizes marriage between a man and a woman.”; and

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

On motion of Representative Reid, **House Amendment No. 6** was adopted by the following vote:

AYES: 128

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Britt	Burcham	Burton
Byrd	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Franklin	Froelker	Gambaro
Gaskill	George	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lograsso
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Merideth	Miller	Moore	Murphy

Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Reynolds
Richardson	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Troupe
Villa	Vogel	Walton	Ward	Willoughby
Wilson 25	Wright	Mr. Speaker		

NOES: 017

Boykins	Bray 84	Campbell	Carnahan	Farnen
Fraser	Graham	Harding	Hickey	Hilgemann
Kelly 27	Lowe	Mays 50	McKenna	Relford
Van Zandt	Williams			

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 014

Baker	Foley	Ford	Green 73	Harlan
Johnson 61	Long	Monaco	Ridgeway	Shields
Treadway	Wagner	Wiggins	Wilson 42	

VACANCIES: 003

On motion of Representative O'Toole, **HS HCS SB 371, as amended**, was adopted.

REFERRAL OF SENATE BILL

HS HCS SB 371, as amended, was referred to the Committee on Fiscal Review and Government Reform.

THIRD READING OF SENATE BILLS

HCS SB 86, relating to building codes in certain counties, was taken up by Representative Scott.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 86, Page 1, Section 64.170, Line 6, by inserting immediately after the word "installation" the following: "**plumbing or drain laying**"; and

Further amend said bill, Page 2, Section 64.180, Line 10, by inserting immediately after the word "**agencies**" the following: "**consistent with section 64.196**"; and

Further amend said bill, Page 2, Section 64.180, Line 19, by inserting immediately after all of said line the following:

“64.196. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 86, Page 8, Line 12, by inserting after all of said line the following:

"Section 1. The state of Missouri hereby waives all rights to its possibility of reverter in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77 of the office of the recorder of deeds of Scott County."; and

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

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

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

House Amendment No. 3 was withdrawn.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 86, Page 2, Section 64.180, Line 19, by inserting after said line the following:

“64.185. In addition to any other zoning or related ordinance, the governing body of any county, city, town or village shall, by order or ordinance, require any individual or business entity planning to install, construct or locate a telecommunication siting tower, or other facility or structure for the transmission of wireless communication or telephone service, in such county, city, town or village to notify all owners of record of property which is adjacent to, or within two thousand feet of, any property on which the tower, facility or structure is to be located. The order or ordinance shall provide for the method of notifying affected owners of record, including the length of time notice shall be given before the start of construction on the tower, structure or facility and the opportunity for affected owners of record to require a public hearing by the county, city, town or village on the location of the tower, structure or facility.”; and

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

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

Which motion was defeated.

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 86, Page 2, Section 64.180, Line 19, by inserting after all of said line the following:

"64.342. 1. Section 64.341 to the contrary notwithstanding, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands or marinas within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area. **No such lease or concession grant shall be for a longer term than twenty-five years.**

2. Such concession stands or marinas may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands or marinas shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. The provisions of this section authorizing and extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000, **except that if an operator is in default or if no bids are received during the open bid period, then the county may operate such marina for a period not to exceed a cumulative total of twenty-four months.**"; and

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

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

On motion of Representative Scott, **HCS SB 86, as amended**, was adopted.

On motion of Representative Scott, **HCS SB 86, as amended**, was read the third time and passed by the following vote:

AYES: 147

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

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Baker	Behnen	Green 73	Harlan	Johnson 61
Long	McKenna	Shields	Wagner	Ward
Wiggins	Williams	Wilson 42		

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS SCS SBs 5 & 21, relating to the criminal activity forfeiture act, was taken up by Representative Kreider.

Representative Kreider moved that **HCS SCS SBs 5 & 21** be adopted.

Which motion was defeated.

On motion of Representative Kreider, **SCS SBs 5 & 21** was truly agreed to and finally passed by the following vote:

AYES: 126

Abel	Baker	Ballard	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Brooks	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Coleman	Cooper	Copenhaver	Crawford	Crowell
Curls	Davis	Dempsey	Dolan	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	George	Graham	Gratz	Green 15
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 27	Kennedy	King	Legan	Levin
Liese	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	Mayer	McKenna	Merideth

Miller	Moore	Murphy	Myers	Naeger
O'Connor	O'Toole	Overschmidt	Portwood	Ransdall
Rector	Reid	Reinhart	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Treadway
Troupe	Villa	Vogel	Wagner	Walton
Ward	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 025

Barnett	Britt	Burcham	Clayton	Crump
Cunningham	Enz	Fares	Gaskill	Griesheimer
Hendrickson	Hohulin	Hosmer	Kelly 144	Kelly 36
Linton	May 149	Mays 50	Nordwald	Ostmann
Phillips	Purgason	Reynolds	Townley	Williams

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartelsmeyer	Green 73	Johnson 61	Koller	Lawson
Long	Monaco	Van Zandt	Wiggins	

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

SB 123, relating to firearm manufacturers, was placed on the Informal Calendar.

SB 416, relating to child labor, was taken up by Representative Wagner.

Speaker Kreider resumed the Chair.

Representative Gratz assumed the Chair.

SB 416 was laid over.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS SB 266 - Fiscal Review and Government Reform (Fiscal Note)

HCS SB 288 - Fiscal Review and Government Reform (Fiscal Note)

HCS SCS SBs 486 & 422 - Fiscal Review and Government Reform (Fiscal Note)

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 1868 - Miscellaneous Bills & Resolutions

HR 1894 - Miscellaneous Bills & Resolutions

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 52**, entitled:

An act to repeal section 56.066, RSMo 2000, relating to full-time prosecutors, and to enact in lieu thereof one new section relating to the same subject.

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

Senate Committee Amendment No. 1

AMEND House Bill No. 52, Page 2, Section 56.066, Line 22, by striking the word “fifty” and inserting in lieu thereof the word “**sixty**”.

Senate Committee Amendment No. 2

AMEND House Bill No. 52, Page 1, in the Title, Line 3, by inserting immediately after the word “subject” the following: “, with an emergency clause”; and

Further amend said bill, Page 2, Section 56.066, Line 24, by inserting immediately after said line the following:

“Section B. Because of the need to assure efficient prosecution for violations of state law, section 56.066 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 56.066 shall be in full force and effect upon its passage and approval.”.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 106**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 420**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 431**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 567**, entitled:

An act to repeal sections 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 209.251, 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.147, 324.177, 324.212, 324.217, 324.243, 324.522, 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, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 331.090, 332.072, 332.311, 334.021, 334.047, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.615, 337.618, 337.622, 338.030, 338.043, 338.055, 338.210, 338.220, 338.285, 338.353, 339.090, 345.080, 620.010 and 621.045, RSMo 2000, relating to the division of professional registration, and to enact in lieu thereof one hundred forty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 15 and Senate Amendment No. 16.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 216, Section 620.045, Line 5, by inserting after all of said line the following:

“Section 1. 1. Notwithstanding any other provision of law, when the Division of Professional Registration intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars, modification or potential reduction of a party’s financial obligation to the state in excess of one hundred thousand dollars, the Division of Professional Registration shall forward a copy to the attorney general before entering into that contract, subcontract or other written agreement or approving the letter of intent.

2. Upon receiving the contract, other written agreement or letter of intent, the attorney general shall, within ten days, review and approve that contract, other written contract or letter of intent for its legal form and content as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, other written agreement or letter of intent with additional proposed provisions as may be necessary to the proper enforcement of the contract as required to protect the state’s legal interest. If the attorney general does not respond within ten days or, in the case of any contract that involves a payment of money by the state or a modification or potential reduction of a party’s financial obligation to the state of one million dollars or more, within thirty days, the contract shall be deemed approved.

3. Communications related to the attorney general’s review are attorney-client communications. The attorney general’s written disposition shall be subject to chapter 610, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 4, Section 167.181, Line 27, after the word “child” add “**s teeth**”.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 213, Section 620.010, Line 7 of said page, by inserting after all of said line the following:

“620.151. For the purpose of determining whether cause for discipline or denial exists under the statutes of any board, commission or committee within the division of professional registration, any licensee, registrant, permittee or applicant that tests positive for a controlled substance, as defined in chapter 195, RSMo, is presumed to have unlawfully possessed the controlled substance in violation of the drug laws or rules and regulations of this state, any other state or the federal government unless he or she has a valid prescription for the controlled substance. The burden of proof that the controlled substance was not unlawfully possessed in violation of the drug laws or rules and regulations of this state, any other state or the federal government is upon the licensee, registrant, permittee or applicant.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19 of said page, by adding after said line the following:

“324.1005. 1. As used in sections 324.1005 to 324.1017, the following terms mean:

(1) “Amusement machine”, any machine, device or apparatus which provides amusement, diversion or entertainment, which is coin-operated and operational results of which depend in whole or in part upon the skill of the player, regardless of whether an award is afforded to a successful player. Such phrase includes any machine, device or apparatus not otherwise excluded by this section and also includes, but is not limited to, such games as radio rifles, miniature football, golf, baseball, hockey, basketball, bumper pool, tennis, shooting galleries, pool tables, shuffleboard, pinball tables, cranes, video games, claw machines, bowling machines, countertop machines, novelty arcade machines and other miniature games, regardless of whether a score shows;

(2) “Amusement machine operator”, a person engaged in the business of owning, buying, selling, renting, leasing, trading, or furnishing amusement machines to another; except that the phrase shall exclude an individual who owns and operates an amusement machine for personal use and amusement in such individual’s private residence. All amusement machines owned and operated by a business or organization and located on the premises of such business or organization as of August 28, 2001, and used for the amusement of the customers or members of that business or organization, shall be exempt from the requirements and rights of amusement machine operators set forth in sections 324.1005 to 324.1017. Any additional machines which such business or organization acquires or begins to operate after August 28, 2001, shall be subject to the provisions of sections 324.1005 to 324.1017 and the business or organization shall thereafter be required to obtain a license pursuant to sections 324.1005 to 324.1017;

(3) “Award”, a noncash prize, toy, item of merchandise or novelty which shall be located and redeemed solely on the premise where an amusement machine is played. The term shall exclude cash, gift certificates, intoxicating beer and liquor, nonintoxicating beer and tobacco products. The value of an award for a single play shall not exceed the greater of a single play of the amusement machine or the wholesale value of five dollars. The value of an award from an accumulation of successful plays shall not exceed a wholesale value of more than two hundred fifty dollars;

(4) “Coin-operated machine”, any amuse-ment machine which is operated by placing through a slot or any kind of opening or container any coin, slug, token, paper money or other object or article necessary to be inserted before the machine operates or functions. The term does not include any machine or device which is classified by the United States government as requiring a federal gaming stamp pursuant to applicable provisions of the Internal Revenue Code;

(5) “Director”, the director of the division of professional registration of the department of economic development;

(6) “Person”, any individual, firm, associ-ation, company, partnership or corporation;

(7) “Redemption machine”, an amusement machine from which a successful player receives a redeemable award. An immediate right of replay shall not be considered a redeemable award. No redemption machine shall act as a lottery or gift enterprise, or simulate a slot machine or any gambling game of skill or video representations which are specifically enumerated in subdivision (12) of subsection 1 of section 313.800, RSMo, as of August 28, 1999.

2. No person shall act as an amusement machine operator without first obtaining an amusement machine

operator license from the director. Such license shall be renewed biennially on or before July first of each year. The biennial fee for a license to operate amusement machines shall be set by the director at an amount necessary to cover administration costs of the licensing program established in sections 324.1005 to 324.1017, but shall not exceed one thousand five hundred dollars. The biennial fee for a license to operate any number of amusement machines only at carnivals, circuses, local or county fairs or the state fair shall be one hundred dollars for each month of such two-year period in which amusement machines are operated. Any person making an initial application for a license after January first of the year shall be charged a prorated amount of such license. A licensed amusement machine operator shall not transfer his or her license number or allow another person to use his or her license number.

3. A person may obtain an amusement machine operator license if such person has the following qualifications:

(1) Such person, if an individual, is at least twenty-one years of age, or such person, if a business, is in part owned by at least one individual who is at least twenty-one years of age;

(2) Such person, if an individual, is currently a resident of this state and has been such continuously for at least one year before the date of such person's application or, if such person is a business, is in part owned by at least one individual who is currently a resident of this state, has been such continuously for at least one year before the business's application and such person shall be the party accountable for the collection and reporting of all of the business's state taxes, fees and compliance. The residency requirement shall not apply to a person whose operation of amusement machines is limited exclusively to carnivals, circuses, local or county fairs or the state fair and shall not apply to a person who was doing business in Missouri and paying Missouri sales tax on revenues from amusement machines on or before December 31, 2000; and

(3) Such person shall show a Missouri sales tax number and proof that Missouri sales tax has been paid on all business dealings previously undertaken in this state.

4. Any person who acts as an amusement machine operator without first obtaining a license from the director may be assessed a penalty of up to one hundred dollars for each amusement machine in such person's possession and the director may seize any amusement machines in such person's possession and initiate or authorize the attorney general to initiate legal proceedings.

324.1008. All licensed amusement machine operators shall identify each of their amusement machines with a decal. Such decal shall be provided by the operator and shall contain the license number of the operator and any other information the director may require. Each amusement machine operator shall place such decal in a prominent location on each machine owned or operated by him or her.

324.1011. 1. The director is authorized to:

(1) Promulgate rules necessary to implement sections 324.1005 to 324.1017;

(2) Issue warnings, probations, suspensions and revocations to an amusement machine operator who violates sections 324.1005 to 324.1017;

(3) Prescribe all forms, applications, and licenses;

(4) Examine only those books and records of persons applying for an amusement machine operator license or of persons licensed as amusement machine operators that directly pertain to amusement machine activities, including local and state sales tax records; and may only investigate an operator of amusement machines after receiving a written complaint or request to take action from a Missouri citizen or law enforcement agency.

2. Any party aggrieved by any action of the director shall have the right to appeal to the administrative hearing commission from any finding, order or decision of the director. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:

If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date of this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the administrative hearing commission pursuant to this section shall be binding subject to appeal by either party.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

324.1014. All fees provided for in sections 324.1005 to 324.1017 shall be collected by the director, who shall transmit the funds to the director of revenue to be deposited in the state treasury to the credit of the "Amusement Machine Operator License Fund" which is hereby created. The fund shall be administered by the director. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1005 to 324.1017. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, no appropriation made to the fund shall lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

324.1017. Sections 324.1005 to 324.1017 shall not become effective until expenditures are specifically appropriated or personnel are specifically authorized for the purpose of performing the duties specified therein and the initial rules filed, if appropriate, have become effective. The director shall have the authority to borrow funds from any agency within the division to commence operations upon appropriation for such purpose. This authority shall cease at such time that a sufficient fund has been established by the agency to fund its operations and repay the amount borrowed."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19 of said page, by inserting after all of said line the following:

"324.700. As used in sections 324.700 to 324.745, unless the context provides otherwise, the following terms shall mean:

- (1) "Division", the division of motor carrier and railroad safety;
- (2) "House", a dwelling or other structure intended for human habitat in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo, or a modular unit;
- (3) "Housemover", a person actively engaged on a full-time basis in the intrastate movement of houses on public roads and highways of this state;
- (4) "Housemoving", engaging actively and directly on a full-time basis in the intrastate movement of houses on public roads and highways of this state;
- (5) "Person", an individual, corporation, partnership, association or any other business entity.

324.703. All persons who engage in the business of housemoving on the roads and highways of this state shall be licensed by the division of motor carrier and railroad safety.

324.706. The division shall issue licenses to applicants meeting the following conditions:

- (1) The applicant must be at least eighteen years of age and have at least twenty-four months experience in moving houses;
- (2) The applicant must furnish proof that all of the vehicles to be used in the movement of houses have met the requirements of sections 307.350 to 307.400, RSMo, or its equivalent pertaining to the inspection of motor vehicles;
- (3) The applicant must exhibit his federal employer's identification number; and
- (4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to and collected by the division of motor carrier and railroad safety and transmitted to the director of revenue and deposited in the state treasury to the credit of the state highways and transportation fund as established in section 226.200, RSMo.

324.709. A license issued pursuant to sections 324.700 to 327.742 shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate

or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;

(2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

(1) Cancellation of the policy;

(2) Nonrenewal of the policy by the company; or

(3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's house for all claims for property damage arising from the movement of a house; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.715. 1. Persons licensed as housemovers shall also be required to secure a special permit, as provided for pursuant to section 304.200, RSMo, from the chief engineer of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the chief engineer if the chief engineer determines that the applicant:

(1) Is properly licensed pursuant to sections 324.700 to 324.745;

(2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.712; and

(3) Is complying with such other regulations as required by the division of motor carrier and railroad safety.

2. A license shall not be required for individuals moving their own houses from or to property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.718. 1. Application for a special permit to move a house must be made to the chief engineer of the department of transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the chief engineer.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The chief engineer shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the house to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the chief engineer on appeal. After reviewing the route and travel plan, the chief engineer may in his or her discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the house, the distance the house is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur may be required if deemed necessary by the chief engineer.

324.721. All obstructions, including traffic signals, signs, and utility lines will be removed immediately

prior to and replaced immediately after the move at the expense of the housemover, provided that arrangements for and approval from the owner is obtained.

324.724. Irrespective of the route shown on the special permit, an alternate route will be followed:

(1) If directed by a peace officer;

(2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device;

or

(3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the department of transportation prior to proceeding.

324.727. The house to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

324.730. No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

324.733. The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an application to obtain a license, fraudulently obtaining a permit, alteration of a permit, or unauthorized use of a permit will render the permit void.

324.736. All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

324.739. The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

324.742. Any person violating sections 324.700 to 324.745 or the regulations of the division or department of transportation shall be guilty of a class A misdemeanor.

324.745. 1. If any provisions of sections 324.700 to 324.745, or if the application of such provisions to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision of sections 324.700 to 324.745 other than those as to which it is held valid, shall not be affected thereby.

2. Nothing in sections 324.700 to 324.745 shall be construed to limit, modify or supercede the standards governing the intrastate or interstate movement of property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

3. The provisions of sections 324.700 to 324.745 shall not apply to housemovers engaged in the interstate movement of houses. Those engaged in the interstate movement of houses, however, shall comply with all applicable provisions of federal and state law with respect to the movement of such property.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 3, Section A, Line 4 of said page, by inserting after all of said line the following:

“109.120. 1. The head of any business, industry, profession, occupation or calling, or the head of any state, county or municipal department, commission, bureau or board may cause any and all records kept by such official, department, commission, bureau, board or business to be photographed, microphotographed, photostated or transferred to other material using photographic, video, or electronic processes, **including a computer-generated electronic or digital retrieval system**, and the judges and justices of the several courts of record within this state may cause all closed case files more than five years old to be photographed, microphotographed, photostated, or transferred to other material using photographic, video, or electronic processes, **including a computer-generated electronic or digital retrieval system**. Such reproducing material shall be of durable material and the device used to reproduce the records shall be such as to accurately reproduce and perpetuate the original records in all details and ensure their proper retention and integrity in accordance with standards established by the state records commission.

2. The cost of reproduction of closed files of the several courts of record as provided herein shall be chargeable to the county and paid out of the county treasury wherein the court is situated.

3. When any recorder of deeds in this state is required or authorized by law to record, copy, file, recopy, replace or index any document, plat, map or written instrument, the recorder may do so by photostatic, photographic,

microphotographic, microfilm, or electronic process, **including a computer-generated electronic or digital retrieval system**, which produces a clear, accurate and permanent copy of the original, provided they meet the standards for permanent retention and integrity as promulgated by the local records board. The reproductions so made may be used as permanent records of the original. When microfilm or electronic reproduction is used as a permanent record by recorder of deeds, duplicate reproductions of all recorded documents, indexes and files required by law to be kept by the recorder shall be made and one copy of each document shall be stored in a fireproof vault and the other copy shall be readily available in the recorder's office together with suitable equipment for viewing the record by projection to a size not smaller than the original and for reproducing copies of the recorded or filmed documents for any person entitled thereto. In all cases where instruments are recorded pursuant to this section by microfilm or electronic process, any release, assignment or other instrument affecting a previously recorded instrument by microfilm or electronic process shall be filed and recorded as a separate instrument and shall be cross-indexed to the document which it affects.

109.241. The head of each local agency shall:

(1) Submit within six months after a call to do so from the secretary of state in accordance with standards established by the local records board and promulgated by the director of records management and archives, schedules proposing the length of time each local records series warrants retention for administrative, legal, historical or fiscal purposes after it has been received or created by the local agency;

(2) Submit lists of local records that are not needed in the transaction of current business and that do not have sufficient administrative, legal, historical or fiscal value to warrant their further retention;

(3) Cooperate with the director in the conduct of surveys made by the director pursuant to the provisions of sections 109.200 to 109.310;

(4) When files in the custody of a local governmental agency are microfilmed or otherwise reproduced through photographic, video, electronic, or other reproduction processes, **including a computer-generated electronic or digital retrieval system**, the public official having custody of the reproduced records shall, before disposing of the originals, certify to the director that the official has made provisions for preserving the microfilms or electronically created records for viewing and recalling images to paper or original form, as appropriate, and that the official has done so in a manner guaranteeing the proper retention and integrity of the records in accordance with standards established by the local records board. Certification shall include a statement, written plan, or reputable vendor's certificate, as appropriate, that any microfilm or document reproduced through electronic process meets the standards for archival permanence established by the United States of America Standards Institute or similar agency, or local records board. If records are microfilmed, original camera masters shall not be used for frequent reference or reading purposes, but copies shall be made for such purposes.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 192, Section 338.210, Line 5, by deleting the words “symbol “RX”, or the” on said line.

Senate Amendment No. 10

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 56, Section 324.1120, Line 15, by inserting immediately at the end of said line of said page the following:

“;

(6) Create any video recording of an individual in their domicile without the individual’s permission. Furthermore, if such video recording is made, it shall not be admissible as evidence in any civil proceeding.”.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 122, Section 327.603, Lines 9-15, by deleting the following:

“Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while engaged in the practice of landscape architecture for the state of Missouri or a political subdivision of the state, provided the project does not jeopardize the public health, safety and welfare.”; and

Further amend said section, Line 16, by inserting after the word “prohibit” the following:

“employees of the state when working for the state or its political subdivisions or”.

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 212, Section 620.010, Line 19 of said page, by striking the bracket; and amend Page 213, Lines 1 to 7, by striking the bracket on line one and all the bold face type in said lines.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 130** and has taken up and passed **HCS SB 130**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 178** and has taken up and passed **HCS SCS SB 178**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SB 267, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 462, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 543** and has taken up and passed **HCS SB 543**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 610**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 945**, entitled:

An act to repeal sections 488.429 and 494.455, RSMo 2000, relating to funding for court services, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 16**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2001 and ending June 30, 2003.

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 HB 17**, entitled:

An act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

With Senate Amendment No. 1

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 17, Page 36, Section 17.220, Line 9, by deleting the number "\$1,500,000" and inserting in lieu thereof the number "**\$1,000,000**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 193, as amended**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 345** and has taken up and passed **HCS SB 345**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 515** and has taken up and passed **HCS SCS SB 515**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 538** and has taken up and passed **HCS SB 538**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 568** and has taken up and passed **HCS SCS SB 568**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 619** and has taken up and passed **HCS SCS SB 619**.

Emergency clause adopted.

WITHDRAWAL OF HOUSE RESOLUTION

May 7, 2001

The Honorable Jim Kreider
Speaker of the House
Room 308 State Capitol
Jefferson City, MO 65101

Dear Mr. Speaker:

I wish to withdraw **House Resolution No. 1868** concerning a House Task Force of Better Vision. In its place I will be writing you a letter to request the establishment of an Interim Committee to study vision related issues in our State.

Sincerely,

/s/ D.J. Davis

ADJOURNMENT

On motion of Representative Foley, the House adjourned until 10:00 a.m., Tuesday, May 8, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-seventh Day, Thursday, May 3, 2001, page 1612, lines 13 through 40 and page 1613, lines 2 through 17, by deleting all of said lines and inserting in lieu thereof the following:

HOUSE COMMITTEE SUBSTITUTE FOR 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 efficient use of energy; 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 these high prices are negatively impacting their quality of life; and

WHEREAS, 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, boost our own economy, and increase energy efficiency by:

(1) Encouraging exploration for domestic petroleum sources in a manner that does not, based on established scientific principles, adversely impact the environment;

(2) Encouraging and creating incentives for fuel conservation measures that do not, based on established economic principles, harm the economy; and

(3) Encouraging and creating incentives for research, development and use of solar and other 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, Secretary Gale Norton of the United States Department of the Interior, Secretary Spencer Abraham of the United States Department of Energy, Secretary Ann M. Veneman of the United States Department of Agriculture, Administrator Christine Todd Whitman of the United States Environmental Protection Agency, the White House Office of Management and Budget, and each member of the Missouri Congressional delegation.

Page 1565, roll call, by showing Representatives Boykins and Naeger voting "aye" rather than "absent with leave".

Pages 1565 and 1566, roll call, by showing Representatives Barnett, Boykins, Franklin and Miller voting "aye" rather than "absent with leave".

Pages 1578 and 1579, roll call, by showing Representative Shields voting "aye" rather than "absent with leave".

Page 1581, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Page 1582, roll call, by showing Representatives Boatright and Franklin voting "aye" rather than "absent with leave".

Pages 1583 and 1584, roll call, by showing Representative Campbell voting "aye" rather than "absent with leave".

Pages 1584 and 1585, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Pages 1585 and 1586, roll call, by showing Representative Ward voting "aye" rather than "absent with leave".

Pages 1586 and 1587, roll call, by showing Representative Reynolds voting "aye" rather than "absent with leave".

Pages 1587 and 1588, roll call, by showing Representatives Boykins, Dempsey, Dolan, Reynolds and Surface voting "aye" rather than "absent with leave".

Pages 1588 and 1589, roll call, by showing Representative Dolan voting "aye" rather than "no".

Pages 1588 and 1589, roll call, by showing Representatives Kennedy and Reynolds voting "aye" rather than "absent with leave".

Pages 1589 and 1590, roll call, by showing Representatives Barnett, Dolan, Holt, Kennedy, King, Rector and Secrest voting "aye" rather than "absent with leave".

Pages 1590 and 1591, roll call, by showing Representatives Barnett and Secrest voting "aye" rather than "absent with leave".

Pages 1591 and 1592, roll call, by showing Representatives Barnett, Sanders Brooks and Froelker voting "aye" rather than "absent with leave".

Pages 1592 and 1593, roll call, by showing Representative Barnett voting "aye" rather than "absent with leave".

Pages 1593 and 1594, roll call, by showing Representatives Barnett, Sanders Brooks, Cooper, Dolan and Enz voting "aye" rather than "absent with leave".

Pages 1594 and 1595, roll call, by showing Representative Barnett voting "aye" rather than "absent with leave".

Pages 1596 and 1597, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1597 and 1598, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1598 and 1599, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1599 and 1600, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1600 and 1601, roll call, by showing Representatives Davis, Franklin, Reinhart, Ridgeway, Surface and Wright voting "aye" rather than "absent with leave".

Pages 1601 and 1602, roll call, by showing Representatives Barry, Coleman, Hunter and Surface voting "aye" rather than "absent with leave".

Pages 1602 and 1603, roll call, by showing Representatives Crowell and Surface voting "no" rather than "absent with leave".

Pages 1603 and 1604, roll call, by showing Representatives Behnen, Crowell, Kelly (27), Ridgeway and Surface voting "aye" rather than "absent with leave".

Pages 1604 and 1605, roll call, by showing Representatives Crowell, Kelly (27), Kennedy, Ridgeway and Surface voting "aye" rather than "absent with leave".

Pages 1605 and 1606, roll call, by showing Representatives Crowell, Kelly (27), Reynolds and Surface voting "aye" rather than "absent with leave".

Pages 1606 and 1607, roll call, by showing Representative Crowell voting "no" rather than "absent with leave".

Pages 1607 and 1608, roll call, by showing Representatives Copenhaver and Crowell voting "aye" rather than "absent with leave".

Pages 1608 and 1609, roll call, by showing Representatives Black, Crowell, Harding and Ridgeway voting "aye" rather than "absent with leave".

Pages 1609 and 1610, roll call, by showing Representative Luetkemeyer voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - TRANSPORTATION

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

CHILDREN, FAMILIES, AND HEALTH

Tuesday, May 8, 2001. Hearing Room 4 upon morning adjournment.
Executive Session may follow.
To be considered - SB 66, SB 551

CONFERENCE COMMITTEE - APPROPRIATIONS

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

House Bills 2 through 12

CONFERENCE COMMITTEE - APPROPRIATIONS

Wednesday, May 9, 2001, 8:00 am. Hearing Room 3.

House Bills 2 through 12

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, May 10, 2001, 8:00 am. Hearing Room 3.

House Bills 2 through 12

CONFERENCE COMMITTEE - APPROPRIATIONS

Friday, May 11, 2001, 8:00 am. Hearing Room 3.

House Bills 2 through 12

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, May 14, 2001, 8:00 am. Hearing Room 1.

Quarterly business meeting. Release of Oversight reports.

AMENDED.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

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

Second quarter meeting. AMENDED.

JUDICIARY

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

Executive Session to follow. AMENDED.

To be considered - SB 10, SB 128, SB 258

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 9, 2001, 8:30 am. Hearing Room 6.

Executive Session may follow. AMENDED.

To be considered - HCR 34, HR 1894, SB 226, SB 525, SB 578

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, May 8, 2001. Hearing Room 1 upon morning adjournment.

Executive Session to follow.

To be considered - SB 52

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

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

Executive Session.

URBAN AFFAIRS

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

Executive Session. Reconsideration.

To be considered - HB 963

UTILITIES REGULATION

Tuesday, May 8, 2001, 8:15 am. Hearing Room 6. AMENDED.

To be considered - SB 387

HOUSE CALENDAR

SIXTY-NINTH DAY, TUESDAY, MAY 8, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 593 - Riback Wilson (25)
- 3 HCS HB 239 - Smith
- 4 HB 802 - Ransdall
- 5 HCS HB 374 - Fraser
- 6 HCS HB 635 - Barry
- 7 HCS HB 868 - Merideth
- 8 HCS HB 253 - Ross
- 9 HB 809, HCA 1 - Carnahan
- 10 HCS HB 340, 303 & 316 - Graham
- 11 HB 640 - Johnson (90)
- 12 HCS HB 723 - Mays (50)
- 13 HCS HB 117 - Riback Wilson (25)
- 14 HCS HB 307 - Wiggins
- 15 HCS HB 921 - Curls
- 16 HB 911 - Carnahan
- 17 HCS HB 511 - Johnson (90)
- 18 HB 63 - Reynolds
- 19 HCS HB 93 - Gaskill
- 20 HCS HB 1000 - Hosmer

HOUSE BILLS FOR PERFECTION - INFORMAL

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

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 33, (5-3-01, page 1611) - Lawson

HOUSE BILLS FOR THIRD READING

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

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 SCR 23, (4-4-01, pg. 950) - Bonner
- 2 SCR 27, (4-4-01, pgs. 950 & 951) - Hagan-Harrell
- 3 SCR 3, (2-15-01, pgs. 402 & 403) - Dempsey
- 4 SCR 18, (3-8-01, pgs. 644 & 645) - Mays (50)
- 5 HCS SCR 28, (5-7-01) - Harding

SENATE JOINT RESOLUTION FOR THIRD READING

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

SENATE BILLS FOR THIRD READING

- 1 HS HCS SB 371, (Fiscal Review 5-7-01) - O'Toole
- 2 HCS SB 125 - Hoppe
- 3 HCS SB 319, E.C. - Johnson (61)
- 4 HCS SB 460 - Kennedy
- 5 HCS SB 72 - Smith
- 6 HCS SCS SB 236, E.C. - Ladd Baker
- 7 SB 416 - Wagner
- 8 SB 500 - Rizzo
- 9 SB 370, HCA 1 - Smith
- 10 SCS SB 290 - Rizzo

- 11 HCS SCS SB 486 & SB 422, (Fiscal Review 5-7-01) - Hoppe
- 12 HCS SS SB 244 - Koller
- 13 HCS SB 365 - Overschmidt
- 14 HCS SCS SB 591 - Hoppe
- 15 HCS SCS SB 617 - Rizzo
- 16 HCS SB 288, E.C.(Fiscal Review 5-7-01) - Monaco
- 17 HCS SCS SB 266, (Fiscal Review 5-7-01) - Barry
- 18 SCS SB 393, E.C. - Treadway
- 19 SCS SB 374, (Fiscal Review 5-3-01) - Ransdall
- 20 HCS SS SCS SB 48 - Hollingsworth

SENATE BILL FOR THIRD READING - INFORMAL

SB 123 - Hampton

SENATE BILL FOR THIRD READING - CONSENT - INFORMAL

SB 556 - Hoppe

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 955, SCA 1 - Green (73)
- 2 SCS HB 607, E.C. - Johnson (90)
- 3 SCS HB 796 - Hosmer
- 4 SS SCS HCS HB 144 & 46, as amended - Bonner
- 5 HS HJR 11, SA 1 - Gambaro
- 6 SS SCS HB 575 - O'Connor
- 7 SS HCR 5, as amended - Mays (50)
- 8 SS SCS HCS HB 567, as amended, E.C. - Treadway
- 9 HB 52, SCA 1 & SCA 2, E.C. - Ward
- 10 SCS HB 945 - Hosmer
- 11 SCS HB 16 - Green (73)
- 12 SCS HB 17, as amended - Green (73)

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SCS SB 151, (request House recede/grant conf/conferrees exceed differences) - Gaskill
- 2 SCS HCS HB 302 & 38, as amended, (request Senate recede/grant conf) - Hosmer
- 3 HCS SB 462, as amended, (request House recede/grant conf) - Legan
- 4 HCS SB 610, (request House recede/grant conf) - Hoppe
- 5 HS HCS SS SCS SB 267, as amended, (request House recede/grant conf) - Monaco
- 6 HCS SS SB 193, as amended, (request House recede/grant conf) - Ward

BILLS IN CONFERENCE

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