

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

SIXTY-SEVENTH DAY, WEDNESDAY, MAY 8, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, history and our own experience has shown us that You are active in our lives. Give to us the faith to believe that when You wish us to do or not do a particular thing, that You find ways of letting us know it. May we not let our thoughts crowd out Your guidance.

Bless the men and women of this House, their families and those who work with them. Keep them open this day to Your will as they serve Missouri. To You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Trevor Evans, Jessica Evans, Pauly Silliman, Michael Riddering, Emily Buck, Ashleigh Redman, Lauren Paige Franklin, Sarah Nicole Franklin, Sophia Lewis, Ryan Drinkert, Brittany Sims, Ajmal Khalid, Doug Manking, John Michael, Carolina Ospina and Krissi Hesse.

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

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 123

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Black
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Cierpiot	Clayton	Copenhaver	Crawford	Crump
Curls	Daus	Davis	Dempsey	Fares
Farnen	Foley	Franklin	Fraser	Gambaro
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 27
King	Koller	Legan	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
May 149	Mayer	Merideth	Miller	Myers

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Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Relford	Richardson	Ridgeway
Rizzo	Roark	Ross	Scheve	Schwab
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Troupe	Van Zandt	Villa
Vogel	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 000

PRESENT: 005

Burcham	Reid	Reynolds	Whorton	Wright
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ABSENT WITH LEAVE: 034

Baker	Ballard	Berkstresser	Boatright	Burton
Byrd	Carnahan	Cooper	Crowell	Cunningham
Dolan	Enz	Froelker	Gaskill	Hagan-Harrell
Harlan	Hollingsworth	Kelly 36	Lawson	Lograsso
Marsh	Mays 50	McKenna	Monaco	Moore
Murphy	Naeger	Reinhart	Robirds	Scott
Townley	Treadway	Wagner	Walker	

VACANCIES: 001

RESOLUTION

Representative Shoemyer (9), et al, offered House Resolution No. 1864.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1849

and

House Resolution No. 1850 - Representative Kreider

House Resolution No. 1851 - Representative Kelly (27)

House Resolution No. 1852

through

House Resolution No. 1854 - Representative Shoemaker (8)

House Resolution No. 1855

and

House Resolution No. 1856 - Representative Moore

House Resolution No. 1857

and

House Resolution No. 1858 - Representative Copenhaver

House Resolution No. 1859 - Representative Villa

House Resolution No. 1860 - Representative Hilgemann

House Resolution No. 1861

and

House Resolution No. 1862 - Representative Froelker

House Resolution No. 1863 - Representative Moore

SECOND READING OF SENATE BILLS

SS#2 SCS SBs 1279, 1162 & 1164 and SB 1281 were 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 1594 (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 **HCS SCS SB 810 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

BILL CARRYING REQUEST MESSAGE

HS SB 1220, as amended, relating to the Gaming Commission, was taken up by Representative O'Toole.

Representative O'Toole moved that the House refuse to recede from its position on **HS SB 1220, as amended**, and grant the Senate a conference.

Representative Wright made a substitute motion that the House refuse to recede from its position on **HS SB 1220, as amended**, grant the Senate a conference and the House conferees be bound to the House position on **House Amendment No. 2 to Part II of HS SB 1220, as amended**.

Which motion was defeated by the following vote:

AYES: 066

Baker	Ballard	Barnett	Bartelsmeyer	Bartle
Bearden	Behnen	Berkstresser	Black	Boatright
Burcham	Burton	Byrd	Champion	Cierpiot
Cooper	Crawford	Crowell	Cunningham	Dempsey
Dolan	Enz	Fares	Froelker	Gaskill
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 36	King	Legan	Linton
Lograsso	Long	Luetkemeyer	May 149	Mayer
Miller	Moore	Myers	Nordwald	Phillips
Portwood	Purgason	Quinn	Rector	Reid

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Reinhart	Roark	Robirds	Ross	Schwab
Scott	Secrest	Shields	St. Onge	Surface
Wright				

NOES: 073

Abel	Barnitz	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Boykins	Britt
Brooks	Campbell	Clayton	Copenhaver	Crump
Daus	Davis	Farnen	Foley	Franklin
Fraser	Gambara	George	Graham	Green 73
Hagan-Harrell	Hampton	Harding	Haywood	Hickey
Hilgemann	Hollingsworth	Holt	Hosmer	Johnson 61
Johnson 90	Jolly	Jones	Kelly 27	Koller
Liese	Lowe	Luetkenhaus	Mays 50	McKenna
Monaco	O'Toole	Ostmann	Overschmidt	Paone
Ransdall	Relford	Reynolds	Richardson	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Skaggs
Smith	Thompson	Villa	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 023

Bray 84	Carnahan	Curls	Gratz	Green 15
Griesheimer	Harlan	Hoppe	Lawson	Marble
Marsh	Merideth	Murphy	Naeger	O'Connor
Ridgeway	Rizzo	Shoemaker	Townley	Treadway
Troupe	Van Zandt	Vogel		

VACANCIES: 001

Representative Boatright requested a verification of the roll call on the substitute motion.

Representative O'Toole again moved that the House refuse to recede from its position on **HS SB 1220, as amended**, and grant the Senate a conference.

Which motion was adopted.

MOTION

Representative Green (73) moved that Rule 26 be suspended in order to grant leave to the members of the House Conference Committees on **SCS HCS HB 1101 through SCS HCS HB 1112** allowing them to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 126

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bearden	Berkowitz	Black
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burcham	Burton
Campbell	Carnahan	Champion	Clayton	Cooper
Copenhaver	Crawford	Crump	Cunningham	Curls
Daus	Davis	Enz	Fares	Farnen
Foley	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Harding	Hartzler	Haywood
Hendrickson	Hickey	Hilgemann	Holand	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelly 27	Kelly 36	King	Koller
Legan	Liese	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Murphy	Myers
Naeger	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Portwood	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 026

Bartle	Behnen	Boatright	Byrd	Cierpiot
Crowell	Dempsey	Hanaway	Hegeman	Hohulin
Hunter	Jetton	Kelley 47	Kelly 144	Linton
Lograsso	Moore	Nordwald	Phillips	Purgason
Quinn	Rector	Ridgeway	Roark	Secrest
Wright				

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 009

Berkstresser	Franklin	Gratz	Harlan	Henderson
Hollingsworth	Lawson	Marsh	Monaco	

VACANCIES: 001

HOUSE BILL WITH SENATE AMENDMENT

SCS HB 2009, relating to licensure of motor vehicle dealers, was taken up by Representative O'Connor.

On motion of Representative O'Connor, **SCS HB 2009** was adopted by the following vote:

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AYES: 141

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Bland	Boatright	Bonner	Boucher	Bowman
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Carnahan	Champion	Cierpiot	Clayton
Copenhaver	Crawford	Crowell	Crump	Curls
Daus	Davis	Dempsey	Enz	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Haywood	Hegeman	Hendrickson	Hilgemann
Hohulin	Holand	Holt	Hoppe	Hosmer
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Legan	Liese	Linton	Lograsso
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Nordwald	O'Connor	Ostmann	Overschmidt	Paone
Phillips	Portwood	Purgason	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Ridgeway	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 005

Cooper	Cunningham	Hartzler	Hunter	Rizzo
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PRESENT: 000

ABSENT WITH LEAVE: 016

Baker	Ballard	Black	Boykins	Campbell
Dolan	Green 73	Harlan	Henderson	Hickey
Hollingsworth	Lawson	Marsh	Naeger	O'Toole
Richardson				

VACANCIES: 001

On motion of Representative O'Connor, **SCS HB 2009** was truly agreed to and finally passed by the following vote:

AYES: 141

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Bland	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Burcham	Burton
Byrd	Carnahan	Champion	Cierpiot	Clayton

Copenhaver	Crawford	Crowell	Crump	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hilgemann	Hohulin	Holand
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Legan
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	May 149	Mayer
Mays 50	McKenna	Merideth	Monaco	Moore
Murphy	Nordwald	O'Connor	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Ridgeway	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	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 005

Cooper	Cunningham	Hunter	Rizzo	Shoemaker
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PRESENT: 000

ABSENT WITH LEAVE: 016

Baker	Black	Boykins	Brooks	Campbell
Gratz	Green 73	Hickey	Hollingsworth	Lawson
Marsh	Miller	Myers	Naeger	O'Toole
Richardson				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

Speaker Kreider assumed the Chair.

THIRD READING OF SENATE BILL

HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, with HS, as amended, pending, relating to transportation, was taken up by Representative Koller.

Representative Crump, having voted on the prevailing side, moved that the vote by which **House Substitute Amendment No. 2 for House Amendment No. 7** was adopted, be reconsidered.

Which motion was adopted by the following vote:

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AYES: 086

Abel	Baker	Barnitz	Barry 100	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Bray 84	Britt	Brooks	Byrd	Campbell
Carnahan	Clayton	Copenhaver	Crawford	Crump
Curls	Davis	Dolan	Fares	Farnen
Foley	Franklin	Fraser	George	Graham
Gratz	Green 15	Green 73	Hagan-Harrell	Hampton
Hanaway	Harding	Haywood	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Johnson 90	Jolly
Jones	Kelly 27	Kelly 36	Koller	Liese
Lowe	Mays 50	McKenna	Merideth	Monaco
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Ransdall	Relford	Reynolds	Rizzo	Robirds
Scheve	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	St. Onge	Thompson	Treadway
Troupe	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 070

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Boatright	Burcham	Burton
Champion	Cierpiot	Cooper	Crowell	Cunningham
Daus	Dempsey	Enz	Froelker	Gambaro
Gaskill	Griesheimer	Hartzler	Hegeman	Henderson
Hendrickson	Hohulin	Holand	Holt	Hunter
Jetton	Kelley 47	Kelly 144	King	Legan
Linton	Lograsso	Long	Luetkemeyer	Marble
May 149	Mayer	Miller	Moore	Murphy
Myers	Naeger	Nordwald	Phillips	Portwood
Purgason	Quinn	Rector	Reid	Reinhart
Richardson	Ridgeway	Roark	Ross	Schwab
Scott	Secrest	Shields	Shoemaker	Surface
Townley	Van Zandt	Villa	Vogel	Wright

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 005

Boykins	Harlan	Lawson	Luetkenhaus	Marsh
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VACANCIES: 001

Representative Gambaro moved that **House Substitute Amendment No. 2 for House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkstresser
Boatright	Bonner	Burcham	Champion	Cierpiot
Cooper	Crawford	Crowell	Cunningham	Daus
Dempsey	Enz	Fraser	Froelker	Gambaro
Gaskill	Griesheimer	Hartzler	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Holt
Kelley 47	Kelly 144	King	Legan	Linton
Lograsso	Long	Luetkemeyer	Marble	May 149
Miller	Moore	Murphy	Myers	Naeger
Nordwald	Paone	Phillips	Portwood	Purgason
Quinn	Rector	Reid	Reinhart	Richardson
Ridgeway	Robirds	Ross	Schwab	Scott
Secrest	Shields	Shoemaker	Surface	Townley
Van Zandt	Villa	Vogel		

NOES: 080

Baker	Berkowitz	Black	Bland	Bowman
Boykins	Bray 84	Britt	Brooks	Byrd
Campbell	Carnahan	Clayton	Copenhaver	Crump
Curls	Davis	Dolan	Fares	Farnen
Foley	Franklin	George	Graham	Gratz
Green 15	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Haywood	Hollingsworth	Hoppe	Hosmer
Jetton	Johnson 90	Jolly	Jones	Kelly 27
Kelly 36	Koller	Liese	Lowe	Luetkenhaus
Mayer	Mays 50	McKenna	Merideth	Monaco
O'Connor	Ostmann	Overschmidt	Ransdall	Relford
Reynolds	Rizzo	Roark	Scheve	Seigfreid
Selby	Shelton	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Treadway	Troupe	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 008

Boucher	Burton	Green 73	Holand	Hunter
Lawson	Marsh	O'Toole		

VACANCIES: 001

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

Representative Kelly (27) offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting at the appropriate location the following:

"Section 1. 1. As used in this section, the following terms mean:

- (1) "Commissioner", the commissioner of the office of administration;
- (2) "Fleet manager", the state vehicle fleet manager created pursuant to subsection 2 of this section;
- (3) "State vehicle fleet", all vehicles used by the state or titled to the state for the purpose of conducting state business;
- (4) "Vehicle", as defined pursuant to section 301.010, RSMo.

2. There is hereby created within the office of administration the position of state vehicle fleet manager. The fleet manager shall be appointed by the commissioner of administration pursuant to the provisions of chapter 36, RSMo.

3. The fleet manager shall institute and supervise a state vehicle fleet tracking system in which the cost of owning and operating each state vehicle is documented by the agency owning the vehicle. All state agencies shall report the purchase and the sale of any vehicle to the fleet manager and provide any additional information requested by the fleet manager in the format, manner, and frequency determined by the office of administration. The fleet manager shall have the authority to suspend any agency's use of its credits established pursuant to section 2 of this act if the agency does not comply with the requirements of this section or section 3, RSMo, until he or she is satisfied that such compliance is achieved.

4. The fleet manager shall submit an annual report to the speaker of the house of representatives, the president pro tempore of the senate, and the governor before January thirty-first of each year. The fleet manager's report shall consist of the status of the state vehicle fleet and any recommendations for improvements and changes necessary for more efficient management of the fleet.

5. The office of administration shall establish guidelines for determining the most cost-effective and reasonable mode of travel under the circumstances for single trips from the following options: passenger rail; vehicle rental; fleet checkout; and reimbursement for personal car use.

6. The commissioner shall issue policies governing the acquisition, assignment, use, replacement, and maintenance of state-owned vehicles.

7. Each agency shall pay a state vehicle fleet fee, as determined by the office of administration, for each vehicle it owns for the purpose of funding the state vehicle fleet tracking system and for other administrative expenses incurred in management of the state vehicle fleet. Any agency that owns at least one thousand vehicles shall receive a credit against the state vehicle fleet fee for the internal fleet management services performed by such agency, provided such agency furnishes all information required by the fleet manager.

8. State agencies shall be responsible for ensuring that state vehicles are used only for state business and not for private purposes.

Section 2. Provisions of section 37.090, RSMo, notwithstanding, all proceeds generated by the sale of a surplus vehicle, except proceeds generated from the department of transportation, the department of conservation, the Missouri state highway patrol, and all state colleges and universities, may be deposited in the state treasury to the credit of the office of administration revolving administrative trust fund and credited to the state agency owning the vehicle at the time of sale. Upon appropriation, moneys credited to agencies from the sale of surplus state fleet vehicles shall be used solely for the purchase of vehicles for the respective agency.

Section 3. All state agencies owning motor vehicles shall be responsible for obtaining an inspection of each of their vehicle's mechanism and equipment in accordance with the provisions of sections 1 to 3, RSMo, and obtaining a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station."; and

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

On motion of Representative Kelly (27), **House Amendment No. 8** was adopted.

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

Representative Hollingsworth offered **House Substitute Amendment No. 1 for House Amendment No. 9**.

House Substitute Amendment No. 1 for House Amendment No. 9 was withdrawn.

House Amendment No. 9 was withdrawn.

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following section:

"304.153. 1. Upon approaching a stationary motor vehicle stopped on the shoulder of the roadway, the driver of every motor vehicle shall:

(1) Proceed with caution and, if possible with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

(3) Operators of motor vehicles shall treat tow trucks in the same manner as they are required to treat law enforcement vehicles, ambulances, or any other emergency vehicle.

2. Any person who violates the provisions of this section is guilty of an infraction."; and

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

Representative Hohulin raised a point of order that **House Amendment No. 9** is not germane to the bill.

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting at the appropriate location the following:

"92.045. 1. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census, is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities or airports owned, controlled, or maintained by such cities.

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of

such tax official designated in such ordinance and shall be open to inspection by the public. Said regulations or rules may be changed or amended from time to time.

3. The repeal and reenactment of this section shall become effective January 1, 2005.

305.510. 1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. [After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.] **Beginning January 1, 2005, the authority shall be responsible for the operation of any and all international airports located in Missouri within fifty miles of the city of St. Louis, and shall exercise any and all powers granted to it in this chapter in the exercise of this responsibility. Nothing herein shall be construed to change the ownership of such international airport.**

3. The authority shall honor all bonds, debts, outstanding obligations and contracts and employee pension plans of any airport or airport authority affected by this section.

4. The operation of such airport by the authority shall replace the operation by any other entity created by local ordinance.

5. Any profit from the operation of any airport or airport authority affected by this section shall continue to be received by the city of St. Louis.

6. The provisions of sections 305.510 and 305.515 shall not affect the tax authorized pursuant to section 92.045, RSMo.

7. The repeal and reenactment of this section shall become effective January 1, 2005.

305.515. 1. [The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman.] The mayor of the city of St. Louis [and the supervisor], **the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties**, with the advice and consent of their respective governing bodies, shall each appoint [three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years.] **one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The members initially appointed in an odd-numbered year by an appointing authority shall be appointed for a term of four years. The initial members appointed in an even-numbered year shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.** Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. **The authority membership shall elect a member to serve as chairman.**

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

5. The repeal and reenactment of this section shall become effective January 1, 2005.

305.572. 1. Beginning April 1, 2005, the authority shall enter into negotiations with the appropriate officials from the city of St. Louis to discuss issues regarding employees who work in the area's airport. The issues to be discussed shall include, but not be limited to, the following:

- (1) Employee transition issues;
- (2) Employee pension plans and other retirement issues; and
- (3) The amount of compensation from the city of St. Louis to employee wages, pension plans and other benefit programs.

Any issues discussed between the authority and the city of St. Louis shall not be binding upon the parties.

2. This section shall become effective January 1, 2005."; and

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

Representative Shelton raised a point of order that **House Amendment No. 10** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Clayton assumed the Chair.

HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, with House Amendment No. 10 and HS, as amended, pending, was laid over.

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

AFTERNOON SESSION

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

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1865	-	Representative Jetton
House Resolution No. 1866	-	Representative Farnen
House Resolution No. 1867	-	Representative Fares
House Resolution No. 1868	-	Representative Johnson (61)
House Resolution No. 1869	-	Representative Roark
House Resolution No. 1870	-	Representative Kelly (27)
House Resolution No. 1871	-	Representative Hendrickson
House Resolution No. 1872		
through		
House Resolution No. 1877	-	Representative Barry
House Resolution No. 1878		
through		
House Resolution No. 1882	-	Representative Relford

House Resolution No. 1883 - Representative Byrd
House Resolution No. 1884 - Representatives Kelley (47) and Bartle
House Resolution No. 1885 - Representative Secrest
House Resolution No. 1886 - Representative Gratz

COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 1231**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

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

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HB 1594 (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 **HCS SCS SB 810 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

APPOINTMENT OF CONFERENCE COMMITTEES

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

SCS HB 1313: Representatives Treadway, Hoppe, Green (15), Burton and Scott

HS SB 1220: Representatives O'Toole, Foley, Crump, Richardson and Purgason

HCS SB 758: Representatives Hosmer, Britt, Jolly, Reid and Bartle

HCS SB 795: Representatives Treadway, Shoemyer (9), Hampton, Portwood and Behnen

CONFERENCE COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Naeger is no longer a member of the Conference Committee on **SCS HCS HB 1111**.

Representative Shields has been appointed a member of the Conference Committee on **SCS HCS HB 1111**.

THIRD READING OF SENATE BILL

HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, with House Amendment No. 10 and HS, as amended, pending, relating to transportation, was again taken up by Representative Koller.

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

AYES: 080

Baker	Barnett	Barry 100	Bartelsmeyer	Bartle
Bearden	Behnen	Berkstresser	Boatright	Bonner
Boucher	Burcham	Burton	Campbell	Champion
Cierpiot	Cooper	Crowell	Cunningham	Dempsey
Dolan	Enz	Farnen	Froelker	Gaskill
Graham	Green 15	Griesheimer	Hagan-Harrell	Hanaway
Hartzler	Henderson	Hendrickson	Hickey	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Kelley 47	King	Legan	Liese
Linton	Lograsso	Lowe	Luetkemeyer	Luetkenhaus
Marble	May 149	Mayer	Miller	Moore
Myers	Naeger	O'Connor	Overschmidt	Phillips
Portwood	Purgason	Quinn	Rector	Reid
Reinhart	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Scheve	Schwab	Scott	Secrest
Selby	Treadway	Van Zandt	Ward	Wright

NOES: 070

Barnitz	Berkowitz	Black	Bland	Bowman
Boykins	Bray 84	Britt	Brooks	Byrd
Carnahan	Clayton	Copenhaver	Crump	Curls
Daus	Davis	Fares	Foley	Franklin
Fraser	Gambaro	George	Gratz	Hampton
Harding	Harlan	Haywood	Hegeman	Hilgemann
Hohulin	Johnson 61	Jones	Kelly 27	Kelly 36
Koller	Lawson	Long	Mays 50	McKenna
Merideth	Murphy	O'Toole	Ostmann	Paone
Ransdall	Relford	Robirds	Ross	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Troupe
Villa	Vogel	Wagner	Walker	Walton
Whorton	Williams	Willoughby	Wilson 25	Wilson 42

PRESENT: 002

Abel Jolly

ABSENT WITH LEAVE: 010

Ballard	Crawford	Green 73	Holand	Kelly 144
Marsh	Monaco	Nordwald	Seigfreid	Mr. Speaker

VACANCIES: 001

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

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Pages 10 and 11, Section 144.020, Lines 23 and 24 of Page 10 and Line 1 of Page 11, by deleting all of said lines and inserting in lieu thereof the following:

“Missouri state highway patrol;

(b) An amount the equivalent of the rate of one-quarter of one cent on the dollar of the taxes imposed by sections 144.010 to 144.430, RSMo, and sections 144.600 to 144.745, RSMo, to be deposited in the transportation sales tax fund created pursuant to section 226.035, RSMo,”; and

Further amend said bill by inserting at the appropriate location the following:

“226.035. 1. There is hereby created the "Transportation Sales Tax Fund". The revenue derived from the equivalent of the rate of one-quarter of one cent on the dollar of the taxes imposed by sections 144.010 to 144.340, RSMo, and sections 144.600 to 144.745, RSMo, shall be deposited by the state treasurer in the fund, and all revenues derived from said tax shall be distributed to support the transportation needs of this state and used for no other purpose; except that, of all refunds made of taxes collected pursuant to the provisions of sections 144.010 to 144.430, RSMo, and sections 144.600 to 144.745, RSMo, the appropriate percentage of any refund shall be paid from the transportation sales tax fund, and except that the state may retain a fee as a charge for collecting and disbursing moneys so deposited. The state collection fee shall not exceed one and one-half million dollars or one percent of the amount deposited in the fund, whichever is less. The fee shall be negotiated annually through the appropriation process. Any balance remaining in the fund at the end of an appropriation period shall not be transferred to general revenue, and the provisions of section 33.080, RSMo, shall not apply to the fund. Moneys in the fund shall be invested by the state treasurer in the same deposits and obligations in which state funds are authorized by law to be invested.

2. Moneys in the fund shall be distributed to support the transportation needs of this state according to the following formula:

(1) Eighty percent shall be dedicated to public transportation and shall be allocated according to department of transportation districts, with district four divided into urban and rural portions consistent with Mid-America regional council boundaries, pursuant to the following formula:

(a) One-third of the revenue dedicated to public transportation shall be allocated to the various districts based on the percentage of the state's population residing in each district according to the last decennial census, consistent with section 1.100, RSMo;

(b) One-third of the revenue dedicated to public transportation shall be allocated to the various districts based on the percentage of statewide employment existing in each district according to the annual average industry employment statistics published by the bureau of labor statistics of the Missouri department of economic development; and

(c) One-third of the revenue dedicated to public transportation shall be allocated to the various districts based on the percentage of statewide number of revenue passengers carried by public agencies providing transit services to the general public in each district during the immediately preceding year, consistent with public transit agency data to be compiled annually by the department of transportation's transit division using transit methodology prescribed by the Federal Transit Administration or its successor agency for reporting on transit systems nationwide.

Only public agencies providing transit services to the general public shall be eligible for funding pursuant to this subsection. The department of transportation shall establish a statewide transit agency to award funds through an annual application process. The department of transportation shall allocate and distribute funds to specific transit agencies and projects outside the Kansas City and St. Louis metropolitan areas. The metropolitan planning organizations, in cooperation with the department of transportation, shall allocate and distribute funds to specific transit areas and projects located within the Kansas City and St. Louis metropolitan areas;

(2) Thirteen percent shall be dedicated to intercity rail transportation services and facilities;

(3) Five percent shall be dedicated to port facilities on navigable waters;

(4) One percent shall be dedicated to intercity bus facilities and services;

(5) One percent shall be dedicated to bicycle and pedestrian facilities which are integrated with other transportation facilities and rights-of-way.”; and

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

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

*House Substitute Amendment No. 1
for
House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 10, Section 144.020, Line 24 of said page, by deleting the word "**Ten**" and inserting in lieu thereof the word "**Eighteen**"; and

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

On motion of Representative Koller, **House Substitute Amendment No. 1 for House Amendment No. 11** was adopted.

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

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 48, Section 227.100, Line 19, by inserting immediately after said line the following:

“5. Any dispute or controversy arising from a contract awarded pursuant to section 226.130.1(9) RSMo shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435, RSMo.”.

Representative Smith assumed the Chair.

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

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

Representative Roark requested a division of the question on **House Amendment No. 13.**

House Amendment No. 13 was withdrawn.

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

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 77, Section 307.211, Line 3, by inserting after said line the following:

“Section 1. All aircraft owned and operated by the state of Missouri or its agencies shall be considered vehicles and shall be under the supervision of the state vehicle fleet manager.”; and

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

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

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

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868, & 738, Section 142.803, by removing said section from the bill; and

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

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

Which motion was defeated.

Representative Luetkenhaus offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 77, Section 307.211, Line 2, by inserting after all of said line the following:

"Section 1. If the department of transportation removes property from any roadway of this state pursuant to section 304.155, RSMo, such property shall be immediately taken to the shoulder or berm of the roadway, and the department employees shall not use a wrecker, tow truck, or roll-back in the removal process."; and

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

On motion of Representative Luetkenhaus, **House Amendment No. 15** was adopted.

Representative Bland offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting at the appropriate location the following:

"Section 1. 1. The state highways and transportation commission shall approve and implement a minority and women employment business enterprises program. The plan shall require all business vendors and contractors to assure the enforcement of an equal opportunity employment plan, and a minority and women business enterprises program that is based on population and availability and which contains specific goals for each such business, as applicable pursuant to state and federal laws.

2. The state highways and transportation commission shall implement and maintain an equal opportunity employment plan and a minority and women business enterprises program with specific goals which shall be identified and reported by ethnicity and gender. The state highways and transportation commission minority and women business enterprises program shall include the provisions of sections 34.070, 34.073, and 34.076, RSMo. The state highways and transportation commission shall engage the services of a compliance monitor, through either direct employment or by service contract, to assist in the implementation and progress of the program.

3. The state highways and transportation commission shall develop and implement such plan in coordination with Executive Order 98-21, house committee substitute for senate substitute for senate committee substitute for senate bills nos. 808 and 672 as truly agreed to and finally passed by the eighty-fifth general assembly, second regular session, and the Missouri business development commission."; and

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

On motion of Representative Bland, **House Amendment No. 16** was adopted.

Representative Burton offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following sections:

"302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

(1) The written and driving tests shall be held at such times and in such places as the [director] **superintendent** may designate. A [five-dollar] **twenty-five dollar** examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department

shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(3) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material, such person shall be required to take the written test for such endorsement. A [five-dollar] **twenty-five dollar** examination fee shall be paid [for each test taken] **upon completion of such tests.**

3. [The director may waive the driving test for a commercial driver's license if such applicant provides the certifications required by regulations established by the secretary as a substitute for the driving test and holds a valid license.

4. The certifications may include, but not be limited to, stating that during the two-year period immediately prior to applying for a commercial driver's license the applicant:

- (1) Has not had more than one license;
- (2) Has not had any license suspended, revoked, canceled or disqualified;
- (3) Has not had a conviction in any type of motor vehicle for driving while intoxicated, driving while under the influence of alcohol or controlled substance, leaving the scene of an accident or felony involving the use of a commercial motor vehicle;
- (4) Has not violated any state law or county or municipal ordinance relating to the operation of a motor vehicle in connection with an accident; and
- (5) Has no record of an accident in which such applicant was at fault.

5. In order to be valid as a certification exempting the applicant from the driving test, the applicant shall also provide evidence and certify that:

- (1) He is regularly employed in a job requiring him to drive a commercial motor vehicle; and
- (2) He has previously taken and passed a driving test given by a state with a classified licensing and testing system, and that the test was behind the wheel in a representative vehicle for that applicant's license classification; or
- (3) He has operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant drives or expects to drive.

6.] A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

302.721. 1. There is hereby created in the state treasury the "Commercial Driver License Examination Fund". The fund shall be administered by the department of revenue. Such moneys collected pursuant to subdivisions (1) and (3) of subsection 2 of section 302.720, shall be appropriated to the commercial driver license examination fund after the deposit and distribution pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. Such moneys shall not be counted towards the spending limitations imposed pursuant to subsection 3 of section 226.200, RSMo. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

2. There shall be created a "Third-Party Commercial Driver License Examination Program" within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri.

3. The director of revenue may annually expend revenues from the commercial driver license fund for administrative costs associated with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations which are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Such annual expenditures shall also include any expenses incurred by the superintendent of the highway patrol for functions related to the testing, auditing, retesting, and compliance of commercial driver license third-party examination programs, and the administration of the state CDL testing

program.

(1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol.

(2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri.

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

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

On motion of Representative Burton, **House Amendment No. 17** was adopted.

Representative Barry offered **House Amendment No. 18**.

Speaker Kreider resumed the Chair.

House Amendment No. 18

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting at the appropriate location the following:

"67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

(1) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;

(2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;

(4) "Chief executive", the mayor of the city and the county executive of the county;

(5) "City", a city not within a county;

(6) "Commission", the regional taxicab commission created in section 67.1804;

(7) "County", a county with a charter form of government and with more than one million inhabitants;

(8) "District", the geographical area encompassed by the regional taxicab commission;

(9) "Driver", an individual operator of a motor vehicle and may be an employee or independent contractor;

(10) "Hotel and restaurant industry", the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;

(11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;

(12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;

(13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the

streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;

(14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs;

(15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1802. There is hereby established a "Regional Taxicab District", with boundaries which shall encompass any city not within a county and any county with a charter form of government and with more than one million inhabitants, including all incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional Taxicab Commission", which shall be a body politic and corporate vested with all the powers expressly granted to it herein and created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system, and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. Nothing shall prohibit a representative of the taxicab industry from being chairperson.

2. In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

(1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;

(2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;

(3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service and encourage minority participation within the district;

(2) Cooperate and collaborate with the hotel and restaurant industry to:

(a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

(b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;

(3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;

(4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;

(5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue, and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the Consumer Price Index; and

(10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.

67.1810. 1. To implement internally the powers which it has been granted, the commission shall:

(1) Elect its own vice chair, secretary, and such other officers as it deems necessary, make such rules as are necessary and consistent with the commission's powers;

(2) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;

(3) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;

(4) Make decisions by affirmative vote of the majority of the commission; provided that each of the commissioners, including the chairperson, shall be entitled to one vote on each matter presented for vote and provided further that at least two city appointees and two county appointees, excluding the chairperson, must be included in each majority vote of the commission.

2. The commission shall not exceed or expend moneys in excess of any fees collected and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical, to preserve within the code provisions similar to those contained in chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission shall present a draft of its district-wide taxicab code at public hearings, one of which will be held in the city and another in the county, following prior public notice of same. Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to each hearing in a newspaper of general circulation in the city and county. The commission shall adopt its taxicab code no later than one hundred eighty days after the appointment of the initial commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption without the requirement of public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport authority generally regarding the taxicab code and, in particularly with reference to airport taxicabs, shall seek to ensure:

(1) Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;

(2) The need of the airport authority to provide services at the airport's passenger terminals; and

(3) Airport authority involvement as to the servicing of the airport by airport taxicabs.

The commission shall not regulate the airport or airport taxicabs as to cab parking, circulation, cab stands, or passenger loading at the airport, or the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect and be enforced as such by the city and county until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded as well as ordinances adopted by municipalities within the county. Upon the effective date of the taxicab code:

(1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission;

(2) All taxicabs subject to the taxicab code shall be required to comply fully with the taxicab code, notwithstanding any previously issued licenses or certificates of convenience;

(3) All permits valid and effective as of August 28, 2002, shall remain valid and effective until the date of expiration or renewal of such permit; and

(4) All available taxicab licensing, inspection, and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code.

The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees as well as local business licenses which do not seek to regulate taxicab use shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses. The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual fee-generated budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab commission shall make an annual report to the chief executive officers and to the governing bodies of the city and county stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants who shall annually examine the books, papers, documents, accounts, and vouchers of the commission, and who shall report thereon to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts, and vouchers, and shall in every way assist such certified public accountants in the performance of their duties pursuant to this section."; and

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

On motion of Representative Barry, **House Amendment No. 18** was adopted by the following vote:

AYES: 106

Barnett	Barry 100	Bartelsmeyer	Bearden	Behnen
Berkstresser	Black	Bland	Bonner	Boucher
Bray 84	Britt	Burton	Byrd	Campbell
Champion	Cierpiot	Cooper	Crawford	Crowell
Crump	Cunningham	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Fraser
Froelker	George	Graham	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 36	King	Koller
Liese	Lograsso	Luetkemeyer	Luetkenhaus	Marble
May 149	Mayer	McKenna	Miller	Monaco
Moore	Myers	Ostmann	Overschmidt	Paone
Phillips	Portwood	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Rizzo
Robirds	Ross	Schwab	Scott	Secrest
Seigfreid	Selby	Shoemyer	St. Onge	Townley
Treadway	Van Zandt	Villa	Vogel	Walton
Ward	Whorton	Willoughby	Wilson 25	Wright
Mr. Speaker				

NOES: 036

Ballard	Barnitz	Bartle	Berkowitz	Boatright
Bowman	Brooks	Burcham	Clayton	Copenhaver
Curls	Foley	Gambaro	Gaskill	Hampton
Hohulin	Kelly 144	Kelly 27	Lawson	Legan
Mays 50	Merideth	O'Toole	Purgason	Richardson
Roark	Shelton	Shoemaker	Skaggs	Smith
Surface	Thompson	Troupe	Walker	Williams
Wilson 42				

PRESENT: 000

ABSENT WITH LEAVE: 020

Abel	Baker	Boykins	Carnahan	Franklin
Green 73	Harlan	Hickey	Linton	Long
Lowe	Marsh	Murphy	Naeger	Nordwald
O'Connor	Ridgeway	Scheve	Shields	Wagner

VACANCIES: 001

Representative Hosmer offered **House Amendment No. 19.**

House Amendment No. 19

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting after all of said line the following:

"[304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or
 (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property

into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.]

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

- (1) The abandoned property is left unattended for more than forty-eight hours; or
- (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) The abandoned property is left unattended on [owner-occupied] residential property with **two to** four residential units [or less], and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification[.]; or

(4) The abandoned property is left unattended on owner-occupied single unit residential property, and the owner or agent of the owner has notified the appropriate law enforcement agency.

5. Pursuant to this section, any owner, **agent of the owner of real property**, or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject

to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue **to all law enforcement agencies and towing companies** and shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section **if any** and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

(10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and

(11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall **provide an abandoned property report for the owner, agent of the owner of real property, or lessee in lawful possession of real property to fill out and after it is filled out shall** deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor."; and

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

On motion of Representative Hosmer, **House Amendment No. 19** was adopted.

Representative Ostmann offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 21, Section 226.200, Lines 10 to 24, Page 22, Section 226.200, Lines 1 to 24, Page 23, Section 226.200, Lines 1 to 21, by deleting all of said section and inserting in lieu thereof the following:

"226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

(1) Money arising from the sale of bonds;
 (2) Money received from the United States government; or
 (3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

(1) [Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2)] Of maintaining the state highways and transportation commission;

[(3)] (2) Of maintaining the state transportation department;

[(4)] (3) Of any workers' compensation for state transportation department employees;

[(5)] (4) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and

[(6)] (5) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. [For all future fiscal years,] The total amount of appropriations from the state highways and transportation department fund for all state offices and departments, **except for the Missouri highway patrol**, shall [not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001] **be equal to four-fifths of the total amount appropriated for such offices and departments from such fund for fiscal year 2001 beginning the first fiscal year following voter approval of this act, and shall be equal to three-fifths of the total amount appropriated for such offices and departments from such fund for fiscal year 2001 beginning the second fiscal year following voter approval of this act, and shall be equal to two-fifths of the total amount appropriated for such offices and departments from such fund for fiscal year 2001 beginning the third fiscal year following voter approval of this act, and shall be equal to one-fifth of the total amount appropriated for such offices and departments from each fund for fiscal year 2001 beginning the fourth fiscal year following voter approval of this act, and shall be zero beginning the fifth fiscal year following voter approval of this act and for all fiscal years thereafter, and no revenues shall be appropriated from the state highways and transportation department fund for all fiscal years thereafter to any state office or department, except for the Missouri highway patrol, unless such appropriations are approved by a two-thirds vote of each house of the general assembly.**

4. The provisions of subsection 3 of this section shall not apply to appropriations from the state highways and transportation department fund to the highways and transportation commission and the state transportation department or to appropriations to the office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

5. All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund.

6. Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department."; and

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

Representative Hollingsworth offered **House Substitute Amendment No. 1 for House Amendment No. 20.**

*House Substitute Amendment No. 1
for
House Amendment No. 20*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 21, Section 226.200, Lines 10 to 24, Page 22, Section 226.200, Lines 1 to 24, Page 23, Section 226.200, Lines 1 to 21, by deleting all of said section and inserting in lieu thereof the following:

“226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

(1) Money arising from the sale of bonds;
(2) Money received from the United States government; or
(3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

(1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2) Of maintaining the state highways and transportation commission;

(3) Of maintaining the state transportation department;

(4) Of any workers' compensation for state transportation department employees;

(5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and

(6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. [For all future fiscal years,] **Beginning in Fiscal Year 2004**, the total amount of appropriations from the state highways and transportation department fund for all state offices and departments **except for the highway patrol, the department of revenue for actual costs of collecting taxes and fees that are deposited in the state highways and transportation department fund, state road fund and motor fuel tax fund; and actual costs incurred by the office of administration for or on behalf of the highway patrol and the department of revenue for actual collection costs as described in this subsection**; shall [not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001] **be reduced by twenty percent from the total appropriated for such agencies from such fund for fiscal year 2001. Each subsequent fiscal year, the amount appropriated from the state highways and transportation department fund for such agencies shall be reduced by an additional twenty percent of the amount appropriated from said fund for fiscal year 2001 until the total appropriated to such agencies from the state highways and transportation department fund reaches zero in fiscal year 2008. Appropriations so reduced from such agencies shall be replaced by general revenue subject to appropriation.**

4. The provisions of subsection 3 of this section shall not apply to appropriations from the state highways and transportation department fund to the highways and transportation commission and the state transportation department or to appropriations to the office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

5. All interest earned upon the state highways and transportation department fund shall be deposited in and to

the credit of such fund.

6. Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department.”.

On motion of Representative Hollingsworth, House Substitute Amendment No. 1 for House Amendment No. 20 was adopted by the following vote:

AYES: 078

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

NOES: 076

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

PRESENT: 000

ABSENT WITH LEAVE: 008

Barnitz	Lawson	Luetkenhaus	Marsh	Murphy
Naeger	O'Toole	Shelton		

VACANCIES: 001

Representative Hanaway requested a verification of the roll call on the motion to adopt **House Substitute Amendment No. 1 for House Amendment No. 20.**

Representative Dempsey offered **House Amendment No. 21.**

House Amendment No. 21

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 17, Section 226.134, Line 19, by adding after the words "transportation department," the following:

"The sale of such bonds, pursuant to this section and section 226.133, shall be negotiated, after a competitive selection process, with an underwriting group managed by firms headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The underwriting group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs."

On motion of Representative Dempsey, **House Amendment No. 21** was adopted.

Representative Merideth offered **House Amendment No. 22.**

House Amendment No. 22

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 74, Section 305.230, Line 8, by inserting after said line the following:

"305.700. 1. Sections 305.700 to 305.714 may be cited as the "Missouri Airport Protection Act".

2. As used in sections 305.700 to 305.714, the following terms mean:

(1) "Airport", an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, including buildings, equipment, rights-of-way, property and appurtenant areas, that is open to the public;

(2) "Aviation hazard", any structure, object, or natural growth, or use of land which obstructs the air space required for the flight of aircraft landing or taking off at any airport or is otherwise hazardous to such landing or taking off;

(3) "Commission", the Missouri highways and transportation commission;

(4) "FAA", the Federal Aviation Administration or its successor agency;

(5) "Obstruction", any structure natural or man made, penetrating the navigable airspace as defined in the standards for determining obstructions and navigable airspace in section 305.704;

(6) "Permit", an airport structure permit issued by the commission pursuant to sections 305.700 to 305.714;

(7) "Person", an individual, firm, partnership, corporation, association or political subdivision. Person includes a trustee, receiver, assignee or other similar representative of a person;

(8) "Public airport", an airport open to the public and eligible for public funding;

(9) "Structure", an object constructed or installed including, but not limited to, a building, tower, antenna, smokestack or overhead transmission line.

305.702. 1. The general assembly finds an aviation hazard endangers the lives and property of users of an airport and of occupants of land in its vicinity, and in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein. Certain structures are hazardous to aircraft in flight because of their height or location, especially during periods of reduced visibility and darkness. Structures determined to be hazards are not in the interest of public health, public safety or the general welfare of the people of Missouri.

2. The commission shall establish an airspace review and permit process to regulate structures that may be erected in proximity to public airports of the state and to ensure that they do not interfere with air navigation.

305.704. 1. A permit shall be required before erecting, adding to or replacing any structure:

(1) Within twelve thousand feet of the midpoint of the primary runway and one hundred feet or higher above the elevation of the public airport;

(2) Between twelve thousand one feet and seventeen thousand feet of the midpoint of the primary runway and one hundred fifty feet or higher above the elevation of the public airport.

2. The permit application shall include as a minimum the location of the airport, including latitude and longitude, ground elevation and maximum height of the proposed structure and the distance to, direction from, and elevation of the nearest airport runway. The application will also include a 7.5 minute quadrangle topographical map showing the location of the proposed structure and copies of any application for or determinations from a FAA Form 7460-1, or other applicable federal airspace review form, if required.

3. The application shall be presented by mail or in person to the aviation section of the commission at least thirty days prior to the date of the proposed construction. It is not necessary that ownership of, option for or other possessor right to a specific location site be held by the applicant before the application for a permit is filed with the commission. The commission shall act upon such applications within a reasonable time.

4. No application for a permit shall be required for the emergency repair or replacement of public utility, rural electric cooperative or federally licensed radio or television structures, other than buildings, to ensure continuity of proper customer service, when the height of such structures is not increased by such emergency repair or replacement.

5. Nothing in sections 305.700 to 305.714 shall be construed as prohibiting the construction or maintenance of any structure or growth up to one hundred feet in height above the surface of the land.

6. This section shall not apply to, nor is an application for a permit required, when local aviation hazard zoning or regulation is equal to or more restrictive than this section. If such zoning or regulation is more restrictive, local zoning or regulation supersedes sections 305.700 to 305.714. Nothing contained in this section shall prevent any political subdivision from adopting more restrictive requirements for structures within its jurisdiction.

305.706. 1. The commission shall investigate all permit applications that meet the criteria contained in section 305.704 and as necessary to process the application properly pursuant to sections 305.700 to 305.714. The investigation shall consider the safety and welfare of persons and property in the air and on the ground.

2. The commission may approve an application for a temporary structure that will be in existence for such a short duration that it will no longer occupy the same airspace at the time a formal application can be considered by the commission. Such approval may be granted only if it is evident that the proposed temporary structure will not adversely affect the safety of air navigation.

3. In cases where the FAA has determined that an aeronautical study is needed, the commission will withhold permit approval until the FAA has completed its study. Sufficient grounds for denial of a permit include objection or determination of a hazard by the FAA, violation of a federal aviation regulation, raising of established approach or vectoring minimums. Considering all information supplied by the applicant and other pertinent information available, the commission shall make a determination to approve or deny the permit within a reasonable time.

305.708. If the application is approved by the commission, a permit shall be issued to the applicant. If, upon investigation, the commission determines that a permit should be denied or that the height or location should be other than applied for, the commission shall notify the applicant in writing. The notification may be sent by first class mail to the applicant at the address specified in the application. The determination is final thirty days after notification of the determination is served, unless the applicant, within the thirty-day period, appeals the determination in writing to the commission and requests a hearing. Such hearing shall be conducted pursuant to section 305.712.

305.710. 1. A permit shall specify any obstruction markings, lighting or other visual or aural identification required to be installed on or in the vicinity of the structure, if any. The identification characteristics shall be in accordance with federal laws and regulations. All obstruction lights required pursuant to this section shall be maintained in an operable condition.

2. If ordered by the commission, the owner of a nonconforming structure that is permanently out of service or partially dismantled, destroyed, deteriorated or decayed shall demolish or remove that structure at the owner's expense.

305.712. 1. An appeal hearing pursuant to this section shall be conducted within forty-five days of the appeal request and shall be open to the public. Any person interested may appear and be heard either in person or by counsel and may present evidence and testimony. The review board for such appeal shall be made up of two representatives from the commission, two members from the state aviation advisory committee, and one member from the closest airport as affected by the site where the structure is proposed. If the proposed structure is associated with a telecommunications tower or antenna, two representatives from the Missouri Telecommunications Industry Association shall also be on the review board. The findings of the review board on any appeal of an application shall be considered to be the final administrative action.

2. Within thirty days after the issuance of an order by the commission, a person aggrieved by the order may appeal to the review board in subsection 1 of this section, or have the action of the commission reviewed by the circuit court in the manner provided for the review of orders of other administrative bodies of this state. A decision of the review board pursuant to subsection 1 of this section may also be appealed pursuant to this subsection.

305.714. 1. The commission shall adopt and promulgate, and may from time to time amend or rescind, reasonable rules and fees for the administration of sections 305.700 to 305.714. The commission shall prescribe and furnish forms necessary for the administration of sections 305.700 to 305.714.

2. The commission shall determine whether violations of sections 305.700 to 305.714, or any rules promulgated pursuant to sections 305.700 to 305.714 have occurred or are threatened. A notification of a violation or threat of violation shall be sent by certified mail, to the person who owns or controls the structure or land in violation thereof. The notice shall state the location, type of structure and the reasons the structure is or would be in violation of such sections or such regulations. The person shall be requested to correct the violation within thirty days of the notice or show cause to the commission why compliance should not be enforced.

3. The person to whom the notice is directed pursuant to this section may show cause why enforcement should be withheld by filing a written request for a hearing. Such hearing shall be conducted pursuant to section 305.712. Such request shall state, if applicable, facts sufficient to show:

(1) The structure is not an obstruction as defined by section 305.700 to 305.714 or any rules promulgated pursuant to sections 305.700 to 305.714;

(2) The structure is in the airspace of the airport, but it is not an obstruction to the safety of air navigation; and

(3) Any other facts the petitioner deems relevant that would relieve him or her from the terms of the order, including a request for an extension of time to remove the structure.

4. The commission may order action be instituted in the appropriate court of jurisdiction for the enforcement of applicable statutes, rules, regulations, and orders issued pursuant to sections 305.700 to 305.714 and shall investigate violations or threats of violation of sections 305.700 to 305.714 or rules promulgated pursuant to sections 305.700 to 305.714. Any person seeking judicial review of any such statute or rule shall be deemed to have exhausted all administrative review procedures.

5. In addition to any other remedy, the commission may institute in a court of competent jurisdiction an action to enjoin, restrain, correct or abate a violation of sections 305.700 to 305.714 or rules promulgated pursuant to sections 305.700 to 305.714.

6. Sections 305.700 to 305.714, or any rule promulgated pursuant to sections 305.700 to 305.714, shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to sections 305.700 to 305.714, or any rule promulgated pursuant to such sections, prior to August 28, 2001, or as otherwise interfere with the continuance of any nonconforming use. Sections 305.700 to 305.714, or any rule promulgated pursuant to such sections, shall not require any change in the construction, alteration or intended use of any structure, provided that such construction or alteration was begun prior to August 28, 2001, and is diligently prosecuted after August 28, 2001.

7. No rule or portion of a rule promulgated pursuant to sections 305.700 to 305.714 shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

Section 1. The Commission is prohibited from expending funds, which are presumed for or dedicated to highway use as described in Chapter 142, in the enforcement of sections 305.700 to 305.714.”; and

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

On motion of Representative Merideth, **House Amendment No. 22** was adopted.

Representative Black offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following section:

"Section 1. No member of the state highways and transportation commission shall, during the member's term of service on the commission or within one year thereafter:

- (1) Be employed by the state or any political subdivision of the state;**
- (2) Be employed as a lobbyist;**
- (3) Serve on any other governmental board or commission;**
- (4) Be an officer of any political party or political organization;**
- (5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition; and**
- (6) Participate in any way in any election campaign; except that a member shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor, or professional organization, and to be a member of a political party."; and**

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

Representative Black moved that **House Amendment No. 23** be adopted.

Which motion was defeated.

Representative Burton offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 56, Section 227.108, Line 5, by adding after said line all of the following:

"233.298. 1. Whenever a petition, signed by a majority of the residents within a road district organized pursuant to sections 233.170 to 233.315, shall be filed with the county commission of any county of the first classification without a charter form of government and with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants in which such district is situated, setting forth the name of the district, the name and address of each signer of such petition and requesting the disincorporation of such district, the county commission shall have power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.

2. Whenever a petition signed by at least fifty registered voters residing within the district is filed with the county clerk of the county in which the district is situated, setting forth the name of the district and requesting the disincorporation of such district, the county clerk shall certify for election the following question to be voted upon by the eligible voters of the district:

Shall the..... incorporated road district organized pursuant to sections 233.170 to 233.315, RSMo, be dissolved?

☐ YES

☐ NO

If a majority of the persons voting on the question are in favor of the proposition, then the county commission shall disincorporate the road district. All assets and equipment of the road district shall revert to the county in which the district is situated and any taxes levied for such road district shall no longer be assessed.

3. The petition filed pursuant to subsection 2 of this section shall be submitted to the clerk of the county no later than eight weeks prior to the next countywide election at which the question will be voted upon.”.

On motion of Representative Burton, **House Amendment No. 24** was adopted.

Representative St. Onge offered **House Amendment No. 25**.

House Amendment No. 25

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following:

"436.300. Notwithstanding any other law to the contrary, all parties to any contract or agreement for private construction work that is between any owner and any contractor, or between any contractor and any subcontractor, or between any subcontractor and any sub-subcontractor, or any supplier at whatever tier for construction, reconstruction, maintenance, alteration, or repair for a private owner of any building, improvement, structure, private road, appurtenance, or appliance, including moving, demolition, or any excavating connected therewith, shall make payment in accordance with the terms of such contract or agreement, provided such terms are not inconsistent with the provisions of sections 436.300 to 436.336.

436.303. A contract or agreement may include a provision for the retainage of a portion of any payment due from the owner to the contractor, not to exceed ten percent of the amount of such payment due pursuant to the contract or agreement, to ensure the proper performance of the contract or agreement, provided that the contract may provide that if the contractor's performance is not in accordance with the terms of the contract or agreement, the owner may retain additional sums to protect the owner's interest in satisfactory performance of the contract or agreement. The amount or amounts so retained by the owner shall be referred to in sections 436.300 to 436.336 as "retainage", and shall be held by the owner in trust for the benefit of the contractor and contractor's subcontractors, sub-subcontractors, and suppliers at whatever tier who are not in default, in proportion to their respective interests. Such retainage shall be subject to the conditions and limitations listed in section 436.300 to 436.336.

436.306. 1. The contractor may tender to the owner acceptable substitute security as set forth in section 436.312 with a written request for release of retainage in the amount of the substitute security. The contractor shall thereupon either:

(1) Be entitled to receive cash payment of retainage pursuant to this section; or
(2) Not be subject to the withholding of retainage, in either case, to the extent of the security tendered, provided that the contractor is not in default of its agreement with the owner.

2. If the tender described in subsection 1 of this section is made after retainage has been withheld, the owner shall, within five working days after receipt of the tender, pay to the contractor the withheld retainage to the extent of the substitute security. If the tender described in subsection 1 of this section is made before retainage has been withheld, the owner shall, to the extent of the substitute security, refrain from withholding any retainage from the future payments.

436.309. A subcontractor of the contractor may tender to the contractor acceptable substitute security as set forth in section 436.312 with a written request for release of retainage in the amount of the substitute security. The contractor shall tender the subcontractor's substitute security to the owner with a like request, pursuant to the provisions of section 436.306. Provided that the subcontractor is not in default of its agreement with the contractor, the contractor shall pay over to the subcontractor, within five working days after receipt,

any accumulated retainage paid by the owner to the contractor on account of substitute security tendered by the subcontractor, except that the contractor shall not be required to pay over retainage in excess of the amount properly attributable to work completed by the subcontractor at the time of payment. Provided that the subcontractor is not in default of its agreement with the contractor, the contractor shall refrain from withholding retainage from payments to the subcontractor to the extent the owner has refrained from withholding retainage from payments to the contractor on account of the subcontractor's substituted security. The subcontractor shall be entitled to receive, upon receipt by the contractor, all income received by the contractor from the owner on account of income producing securities deposited by the subcontractor as substitute security. Except as otherwise provided in this section, the contractor shall have no obligation to collect or pay to a subcontractor retainage on account of substitute security tendered by the subcontractor.

436.312. 1. The following shall constitute acceptable substitute security for purposes of sections 436.306 and 436.309:

(1) Certificates of deposit drawn and issued by a national banking association located in this state or by any banking corporation incorporated pursuant to the laws of this state; and mutually agreeable to the project owner and the contractor or subcontractor, in the amount of the retainage released. If the letter of credit is not renewed at least sixty days before the expiration of the letter of credit, the owner may draw upon the letter of credit regardless of the contractor's or subcontractor's performance for an amount equal to or no greater than the value of the amount of work remaining to be performed by the contractor or subcontractor.

(2) A retainage bond naming the owner as obligee issued by any surety company authorized to issue surety bonds in this state in the amount of the retainage released; or

(3) An irrevocable and unconditional letter of credit in favor of the owner, issued by a national banking association located in this state or by any banking corporation incorporated pursuant to the laws of this state, in the amount of the retainage released.

2. The contractor shall be entitled to receive, in all events, all interest and income earned on any securities deposited by the contractor in substitution for retainage.

436.315. A contractor shall not withhold from any subcontractor any retainage in excess of the retainage withheld from the contractor by the owner for the subcontractor's work, unless the subcontractor's performance is not in accordance with the terms of the subcontract, in which case, subject to the terms of the subcontract, the contractor may retain additional sums to ensure the subcontractor's satisfactory performance of the subcontract.

436.318. Upon the release of retainage by the owner to the contractor, other than for substituted security pursuant to sections 436.306 and 436.312, the contractor shall pay to each subcontractor the subcontractor's ratable share of the retainage released, provided that all conditions of the subcontract for release of retainage to the subcontractor have been satisfied.

436.321. If it is determined that a subcontractor's performance has been satisfactorily and substantially completed and the subcontractor can be released prior to substantial completion of the entire project without risk to the owner involving the subcontractor's work, the contractor shall request such adjustment in retainage, if any, from the owner as necessary to enable the contractor to pay the subcontractor in full or in proportion to the amount of work that has been satisfactorily and substantially completed on the project, and the owner shall as part of the next contractual payment cycle release the subcontractor's retainage to the contractor, who shall in turn as part of the next contractual payment cycle release such retainage as is due the subcontractor.

436.324. Within thirty days of the project reaching substantial completion, as defined in section 436.327, all retainage or substitute security shall be released by the owner to the contractor less an amount equal to one hundred fifty percent of the costs to complete any remaining items. Upon receipt of such retainage from the owner, the contractor shall within seven days release to each subcontractor that subcontractor's share of the retainage.

436.327. The project shall be deemed to have reached substantial completion upon the occurrence of the earlier of one of the following events:

- (1) The architect or engineer issues a certificate of substantial completion;
- (2) The applicable governmental agency issues a use or occupancy permit; or
- (3) The owner begins to use or could have begun to use the project for its intended purpose.

436.330. Subcontractors and sub-subcontractors of every tier shall comply with the provisions of sections 436.300 to 436.336 in their relations with their sub-subcontractors and suppliers and shall be bound by the same obligations to their sub-subcontractors and suppliers as contractors are to their subcontractors.

436.333. A contract or agreement formed after August 28, 2002, shall be unenforceable to the extent that its provisions are inconsistent with sections 436.300 to 436.336. If retainage is withheld in violation of sections 436.300 to 436.360, a court may, in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date of such wrongful or improper withholding of retainage. In any action brought to enforce sections 436.300 to 436.336, a court may award reasonable attorney's fees to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 436.350, the arbitrator may award any remedy that a court is authorized to award.

436.336. Sections 436.300 to 436.336 shall apply to contracts and agreements entered into after August 28, 2002. Sections 436.300 to 436.336 shall apply to all private construction projects, except single-family residential construction and other residential construction consisting of four or fewer units."; and

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

On motion of Representative St. Onge, **House Amendment No. 25** was adopted.

Representative Griesheimer offered **House Amendment No. 26.**

House Amendment No. 26

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 44, Section 226.585.1, Line 10, by inserting after the word "commission" the following: **"and shall not be denied without good cause."**

On motion of Representative Griesheimer, **House Amendment No. 26** was adopted.

Representative Froelker offered **House Amendment No. 27.**

House Amendment No. 27

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following:

"Section 1. Beginning July 1, 2003, in the even the state road fund established in Article IV, Section 30(b), Constitution of Missouri, shall be insufficient to construct and maintain an adequate system of connected highways in any given fiscal year, the general assembly shall provide for such deficiency by setting apart not less than five percent of the growth in gross general revenue receipts, less refunds, from the second preceding fiscal year to the immediately preceding fiscal year in which actual gross general revenue receipts and refunds are known. If the deficiency, as determined by the general assembly, is less than five percent of the growth in gross general revenue receipts, less refunds, from the second preceding fiscal year to the immediately preceding fiscal year in which actual gross general revenue receipts and refunds are known, then the general assembly shall only set apart an amount sufficient to meet such deficiency."; and

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

Representative Britt assumed the Chair.

Representative Scott offered **House Substitute Amendment No. 1 for House Amendment No. 27.**

*House Substitute Amendment No. 1
for
House Amendment No. 27*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 27, Section 226.137, Line 9, by inserting after said section the following:

“226.201. 1. Beginning the first fiscal year following the effective date of this act, ten percent of the actual net general revenue receipts which exceed the actual net general revenue receipts received in the most recent fiscal year in which actual net receipts are known, shall be used to fund, subject to appropriation, the costs of state offices and departments no longer receiving appropriations from the state highways and transportation department fund pursuant to subsection 3 of section 226.200.

2. If the amount of actual net general revenue receipts collected under subsection one of this section exceeds the cost of such state agencies and departments, the excess shall be deposited in the state road fund, as established in section 226.200.”; and

Further amend the title and enacting clause accordingly.

On motion of Representative Scott, **House Substitute Amendment No. 1 for House Amendment No. 27** was adopted by the following vote:

AYES: 111

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Bonner	Boucher	Britt
Burcham	Burton	Byrd	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Davis	Dempsey	Dolan
Enz	Fares	Franklin	Froelker	Gaskill
Gratz	Green 15	Griesheimer	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hohulin	Holand	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 36	King	Koller
Legan	Liese	Linton	Lograsso	Long
Luetkemeyer	Marble	May 149	Mayer	McKenna
Miller	Monaco	Moore	Myers	O'Connor
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Schwab	Scott	Secrest	Seigfreid
Selby	Shoemaker	Shoemyer	Smith	St. Onge
Surface	Townley	Villa	Vogel	Walker
Walton	Ward	Whorton	Willoughby	Wilson 42
Mr. Speaker				

NOES: 028

Bowman	Bray 84	Carnahan	Curls	Daus
Farnen	Foley	George	Graham	Hagan-Harrell
Hickey	Hollingsworth	Jones	Kelly 27	Lawson
Lowe	Mays 50	Murphy	O'Toole	Paone
Relford	Reynolds	Shelton	Skaggs	Thompson
Treadway	Van Zandt	Wilson 25		

PRESENT: 000

ABSENT WITH LEAVE: 023

Abel	Baker	Bland	Boykins	Brooks
Campbell	Fraser	Gambaro	Green 73	Harlan
Hilgemann	Johnson 61	Luetkenhaus	Marsh	Merideth
Naeger	Nordwald	Scheve	Shields	Troupe
Wagner	Williams	Wright		

VACANCIES: 001

Representative Fares offered **House Amendment No. 28.**

House Amendment No. 28

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 698, 921, 867, 868 & 738, Page 16, Section 226.030, Line 18, by inserting after the word "**commission.**" the following:

"Such candidates shall be submitted to the governor by June first in even-numbered years."

On motion of Representative Fares, **House Amendment No. 28** was adopted.

Representative Riback Wilson (25) offered **House Amendment No. 29.**

House Amendment No. 29

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, Page 77, Section 307.211, Line 2, by inserting after all of said line the following:

"700.600. 1. As used in this section, the following terms mean:

(1) "Manufactured home", the same meaning as provided in section 700.010, RSMo;

(2) "Manufactured or mobile home land lease community", any area, lot, parcel, or tract held in common ownership and on which individual portions of such area, lot, parcel, or tract are leased for the placement of manufactured or mobile homes as a primary residence;

(3) "Mobile home", a residential building constructed or assembled in a factory which is not certified pursuant to the federal Housing and Urban Development (HUD) Code and which conforms to the American National Standards Institute (ANSI) standards for mobile homes.

2. A landlord of a manufactured or mobile home land lease community shall provide written notice to all of the community's tenants who own their manufactured or mobile homes at least one hundred twenty days prior to requiring such tenants to vacate the property due to a change in use of the property. In cases where more than one hundred twenty days remain on a current lease, the longer time period shall apply for purposes of providing notice pursuant to this section. The landlord shall not increase the rent, except for a rent increase based solely on an increase in property taxes, for any tenant of the manufactured or mobile home land lease community during the sixty-day period prior to providing such notice or at any time after providing such notice.

3. Nothing in this section shall be construed as prohibiting a landlord from evicting a tenant with less than one hundred twenty days' notice for any reason other than a change in use of the property, or for a violation of the lease, or as otherwise provided by this chapter or other laws."; and

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

Representative Riback Wilson (25) moved that **House Amendment No. 29** be adopted.

Which motion was defeated.

Representative Henderson offered **House Amendment No. 30**.

Representative Wright offered **House Substitute Amendment No. 1 for House Amendment No. 30**.

Representative Monaco raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 30** is not a true substitute amendment.

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

House Amendment No. 30 was withdrawn.

Representative Gambaro offered **House Amendment No. 30**.

House Amendment No. 30

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 698, 921, 867, 868 & 738, Pages 56 to 58, Section 234.032, Line 6, by deleting all of said section.

Representative Gambaro moved that **House Amendment No. 30** be adopted.

Which motion was defeated.

Representative Henderson offered **House Amendment No. 31**.

House Amendment No. 31

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868, & 738, Page 49, Section 227.107, Lines 3 through 5, by deleting the words "**approved by the East-West Gateway Coordinating Council and included in the statewide transportation improvement program approved by the commission**" and inserting in lieu thereof the words "**set forth in the fifteen year transportation plan adopted in 1992**".

Representative Smith resumed the Chair.

Representative Reid offered **House Substitute Amendment No. 1 for House Amendment No. 31**.

House Substitute Amendment No. 1 for House Amendment No. 31 was withdrawn.

Representative Henderson moved that **House Amendment No. 31** be adopted.

Which motion was defeated by the following vote:

AYES: 031

Ballard	Barnitz	Bartelsmeyer	Behnen	Black
Boatright	Burcham	Champion	Crawford	Crowell
Gratz	Hegeman	Henderson	Hohulin	Hunter
Jetton	Kelly 144	King	Luetkemeyer	Marble
Mayer	Merideth	Moore	Myers	Purgason
Quinn	Rector	Roark	Robirds	Townley
Vogel				

NOES: 116

Baker	Barnett	Barry 100	Bartle	Bearden
Berkowitz	Berkstresser	Bland	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Byrd	Carnahan	Cierpiot	Clayton
Cooper	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hendrickson	Hilgemann	Hollingsworth
Holt	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	Koller
Lawson	Legan	Liese	Linton	Lograsso
Lowe	May 149	Mays 50	McKenna	Miller
Monaco	Murphy	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Portwood
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Ross	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Treadway	Van Zandt
Villa	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 015

Abel	Campbell	Copenhaver	Green 73	Harlan
Hickey	Holand	Hoppe	Long	Luetkenhaus
Marsh	Naeger	Scheve	Troupe	Wright

VACANCIES: 001

Speaker Pro Tem Abel resumed the Chair.

Representative Crawford offered **House Amendment No. 32**.

House Amendment No. 32

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following section:

“Section 1. Any arterial roads and highways that were previously state maintained, but are not currently state maintained by the Department of Transportation as part of the state highway system shall meet state standards and specifications prior to the state highways and transportation commission resuming responsibility for the maintenance of such arterial roads and highways.”; and

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

Representative Crawford moved that **House Amendment No. 32** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Champion	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Enz
Froelker	Gaskill	Gratz	Griesheimer	Hegeman
Henderson	Hendrickson	Hohulin	Hunter	Jetton
Kelley 47	Kelly 144	King	Lograsso	Luetkemeyer
Marsh	May 149	Mayer	Merideth	Miller
Moore	Murphy	Myers	Nordwald	Ostmann
Phillips	Portwood	Purgason	Rector	Reid
Reinhart	Ridgeway	Roark	Ross	Schwab
Scott	Secrest	Seigfreid	Shoemaker	Surface
Townley	Vogel	Wright		

NOES: 074

Abel	Barnitz	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Carnahan	Clayton	Crump	Curls
Daus	Davis	Farnen	Foley	Franklin
Fraser	Gambaro	George	Graham	Green 15
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Hickey	Hilgemann	Hollingsworth	Holt	Hosmer
Johnson 61	Johnson 90	Jolly	Jones	Kelly 27
Kelly 36	Koller	Liese	Lowe	Mays 50
McKenna	Monaco	O'Toole	Overschmidt	Paone
Quinn	Ransdall	Relford	Reynolds	Rizzo
Robirds	Selby	Shelton	Shoemyer	Smith
St. Onge	Thompson	Treadway	Villa	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 025

Baker	Boykins	Byrd	Campbell	Copenhaver
Fares	Green 73	Harlan	Haywood	Holand
Hoppe	Lawson	Legan	Linton	Long
Luetkenhaus	Marble	Naeger	O'Connor	Richardson
Scheve	Shields	Skaggs	Troupe	Van Zandt

VACANCIES: 001

Representative Roark offered **House Amendment No. 33**.

House Amendment No. 33

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738, by inserting in the appropriate location the following section:

"226.004. 1. Beginning January 1, 2004, the chair of the highways and transportation commission shall annually present to the speaker of the house of representatives and president pro tempore of the senate, by the tenth legislative day, a plan detailing the state of transportation to be accompanied by an address to the general assembly. This plan shall outline how the department intends to use the additional revenues generated by this act to further construction of highway projects contained in its most recent statewide transportation improvement plan. The plan shall specify, by project, how the additional revenues will be utilized. In addition to the plan, the chair shall submit a report containing the most recent information required by section 21.795, RSMo, the department's most recent statewide transportation improvement plan, and an analysis regarding how the additional revenues produced by this act have accelerated projects contained within the department of transportation's statewide transportation improvement plan. The report shall also contain the current status as to completion, by project, of the most recent statewide transportation improvement program. The chair shall specifically identify at least one priority project in each transportation district which has been completed or substantially completed ahead of schedule due to the additional revenues provided by this act. In addition, the chair shall analyze how the additional revenues have accelerated the reconstruction of the interstate system, particularly interstate highway 70. Once the plan has been submitted, the general assembly shall determine by concurrent resolution whether the collection of the additional revenues generated from this act shall be continued.

2. The plan submitted by the highways and transportation commission shall become effective no later than forty-five calendar days after its submission to a regular session, unless it is disapproved within said forty-five calendar days by a concurrent resolution introduced within fourteen calendar days of the submission of the plan. The presiding officer of each house in which a concurrent resolution disapproving the plan has been introduced, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the commission's plan. The presiding officer of the house passing a concurrent resolution disapproving the commission's plan shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. If the plan submitted by the commission is rejected by the general assembly, the highways and transportation commission shall within thirty days of disapproval cease further highway construction activities until the general assembly approves an alternative plan submitted by the commission pursuant to the procedure described in this section."; and

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

Representative Roark moved that **House Amendment No. 33** be adopted.

Which motion was defeated.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

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

NOES: 070

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

PRESENT: 000

ABSENT WITH LEAVE: 006

Copenhaver	Linton	Long	Marsh	Naeger
Richardson				

VACANCIES: 001

On motion of Representative Koller, **HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**, was adopted.

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On motion of Representative Koller, **HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**, was read the third time and passed by the following vote:

AYES: 088

Abel	Baker	Barry 100	Berkowitz	Black
Bland	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Byrd	Campbell	Carnahan
Clayton	Crump	Curls	Daus	Davis
Dolan	Fares	Farnen	Foley	Franklin
Fraser	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Harding	Harlan
Hartzler	Haywood	Hickey	Hilgemann	Hollingsworth
Hosmer	Johnson 61	Johnson 90	Jolly	Jones
Koller	Lawson	Liese	Lowe	Luetkenhaus
May 149	Mays 50	McKenna	Merideth	Monaco
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Ransdall	Relford	Reynolds	Rizzo	Robirds
Scheve	Seigfreid	Shelton	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Thompson	Treadway
Troupe	Van Zandt	Villa	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 068

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkstresser	Boatright	Bonner
Burcham	Burton	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Dempsey	Enz
Froelker	Gaskill	Griesheimer	Hampton	Hanaway
Hegeman	Henderson	Hendrickson	Hohulin	Holand
Holt	Hoppe	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Legan
Lograsso	Lutkemeyer	Marble	Mayer	Miller
Moore	Murphy	Myers	Nordwald	Phillips
Portwood	Purgason	Quinn	Rector	Reid
Reinhart	Ridgeway	Roark	Ross	Schwab
Scott	Secrest	Selby	Shields	Surface
Townley	Vogel	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 006

Copenhaver	Linton	Long	Marsh	Naeger
Richardson				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

Representative Purgason requested a verification of the roll call on the motion to third read and pass **HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**.

REFERRAL OF SENATE JOINT RESOLUTION

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

SJR 24 - Miscellaneous Bills & Resolutions

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS SCS SBs 670 & 684 - Fiscal Review and Government Reform (Fiscal Note)

SCS SB 739 - Professional Registration and Licensing

SS#2 SCS SBs 1279, 1162 & 1164 - Commerce and Economic Development

SB 1281 - Budget

COMMITTEE REPORTS

Committee on Budget, Chairman Green (73) reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 1281**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Environment and Energy, Chairman Lawson reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 1011**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Judiciary, Chairman Monaco reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SB 931**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SCS SB 892**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1313** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HB 1313**: Senators Foster, Childers, Gross, Johnson and Stoll.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 758**: Senators Bentley, Childers, Sims, Dougherty and Stoll.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 795**: Senators Schneider, Goode, Klarich, Steelman and Gibbons.

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 960** and has taken up and passed **HCS SCS SB 960**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 980**: Senators Singleton, Sims, Foster, Schneider and Johnson.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SB 1009** and has taken up and passed **HCS SS SCS SB 1009**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1012** and has taken up and passed **HCS SB 1012**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1078** and has taken up and passed **HCS SB 1078**.

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 1093** and has taken up and passed **HCS SCS SB 1093**.

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 1210** and has taken up and passed **HCS SCS SB 1210**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 1712**, entitled:

An act to repeal sections 347.143, 351.055, 351.120, 351.140, 351.145, 351.150, 351.155, 351.182, 351.385, 351.400, 351.455, 355.856, 356.211, 400.9-102, 400.9-109, 400.9-303, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-710, 407.432, 417.210, 429.010 and 575.060, RSMo, and to enact in lieu thereof forty new sections relating to business and commerce, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1712, Page 80, Section 429.810, Line 7, by inserting after all of said line the following:

“430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

- (1) “Claim”, a claim of a patient for:**
 - (a) Damages from a tort-feasor; or**
 - (b) Benefits from an insurance carrier;**
- (2) “Clinic”, a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;**
- (3) “Health practitioner”, a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;**
- (4) “Insurance carrier”, any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;**
- (5) “Other institution”, a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;**
- (6) “Patient”, any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.**

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. “Net proceeds”, as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

“[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

- (1) “Claim”, a claim of a patient for:**
 - (a) Damages from a tort-feasor; or**
 - (b) Benefits from an insurance carrier;**
- (2) “Clinic”, a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;**
- (3) “Health practitioner”, a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;**
- (4) “Insurance carrier”, any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;**
- (5) “Other institution”, a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;**
- (6) “Patient”, any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.**

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1712, Page 2, Section 347.143, Line 2, by inserting immediately before said line the following:

"72.080. 1. Any unincorporated city, town or other area of the state may, except as otherwise provided in sections 72.400 to 72.420, become a city of the class to which its population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the government of cities of that class, in the following manner: whenever a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city or town or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if it may be incorporated. If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters.

2. The county may make changes in the petition to correct technical errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary changes occurring within six months prior to the time of filing the petition. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a city, town or village, although the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed area. If a majority of the voters voting on the question vote for incorporation, the governing body shall declare such city, town or other area incorporated, designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and incorporate, by the name and style of "the city of", or "the town of", and the first officers of such city or town shall be designated by the order of the governing body, who shall hold their offices until the next municipal election and until their successors shall be duly elected and qualified. The county shall pay the costs of the election.

3. In any county with a charter form of government where fifty or more cities, towns and villages have been incorporated, an unincorporated city, town or other area of the state shall not be incorporated except as provided in sections 72.400 to 72.420.

4. Any unincorporated area located partially within any county of the first classification without a charter form of government and with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants and partially within any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants may incorporate as a city of the class to which its population would entitle it pursuant to this chapter notwithstanding any proposed annexation of the unincorporated area by any city of the third or fourth classification or any home rule city with more than four

hundred thousand inhabitants and located in more than one county. If any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county proposes annexation by ordinance or resolution of any unincorporated area as defined in this subsection, no such annexation shall become effective until after the qualified voters in the unincorporated area proposed to be incorporated fail to approve the proposed incorporation by a majority vote in the election described in subsection 2 of this section.

5. Prior to the election described in subsection 2 of this section, if the owner or owners of either the majority of the commercial or the majority of the agricultural classification of real property in the proposed area to be incorporated object to such incorporation, such owner or owners may file an action in the circuit court of the county in which such unincorporated area is situated, pursuant to the provisions of chapter 527, RSMo, praying for a declaratory judgment requesting that such incorporation be declared unreasonable by the court. As used in this subsection, a “majority of the commercial or agricultural classification” means a majority as determined by the assessed valuation of the tracts of real property in either classification to be determined by the assessments made according to chapter 137, RSMo. The petition in such action shall state facts showing that such incorporation including the real property owned by the petitioners is not reasonable based on the same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper development of the city or town. If the circuit court finds that such inclusion is not reasonable and necessary, it may enjoin the incorporation or require the petition requesting the incorporation to be resubmitted excluding all or part of the property of the petitioners from the proposed incorporation.

72.130. Except as provided in sections 72.400 to 72.420, no city, town, village or other area shall be organized within this state under and by virtue of any law thereof, adjacent to or within two miles of the limits of any city of the first, second, third or fourth classification or any constitutional charter city, unless the city, town, village or other area be in a different county from the city **or unless the city, town or village is located partially within any county of the first classification without a charter form of government and with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants and partially within any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants**, except that a city, town, village or other area may be incorporated within the two-mile area if a petition signed by a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated is presented to the existing city requesting that the boundaries of the existing city be extended to include the area proposed to be incorporated and if action taken thereon by the existing city is unfavorable to the petition, or if no action is taken by the existing city on the petition, then the city, town, village or other area may be incorporated after the expiration of one year from the date of the petition and upon a favorable majority vote on the question.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1712, Page 2, Section 347.143, Line 24, by inserting after all of said line the following:

“349.010. As used in sections 349.010 to 349.100, unless the context otherwise requires, the following words and terms shall have the meanings indicated:

- (1) “Corporations” means any authority organized pursuant to the provisions of sections 349.010 to 349.100.
- (2) [“County and municipality”.] “County” means any county in the state. [“Municipality” means any city, incorporated town or village in the state.]
- (3) “Governing body” shall mean the board or body in which the general legislative powers of the county or municipality are vested.
- (4) **“Municipality” means any city, incorporated town or village in the state.**
- (5) “Project” means the purchase, construction, extension and improvement of plants, buildings, structures, or facilities, whether or not now in existence, including the real estate, used or to be used as a factory, assembly plant, manufacturing plant, processing plant, fabricating plant, distribution center, warehouse building, public facility, waterborne vessels excepting commercial passenger vessels for hire in a city not within a county built prior to 1950, office building, for-profit or not-for-profit hospital, not-for-profit nursing or retirement facility or combination thereof, physical fitness, recreational, indoor and resident outdoor facilities operated by not-for-profit organizations, **child or adult day care facilities operated by not-for-profit organizations**, commercial or agricultural facility, or facilities

for the prevention, reduction or control of pollution. Included in all of the above shall be any required fixtures, equipment and machinery. Excluded are facilities designed for the sale or distribution to the public of electricity, gas, water or telephone, together with any other facilities for cable television and those commonly classified as public utilities. Projects of a municipal authority must be located wholly within the incorporated limits of the municipality except that such projects may be located outside the corporate limits of such municipality and within the county in which the municipality is located with permission of the governing body of the county. Projects of a county authority must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a municipality within such county, when approved by the governing body of the municipality.”; and

Further amend the title and enacting clause accordingly.

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 1468**, entitled:

An act to repeal sections 375.775, 376.1350, 379.321, 379.362, 379.889 and 379.890, RSMo, relating to commercial lines of insurance, and to enact in lieu thereof five 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 1473**, entitled:

An act to repeal section 376.1350, RSMo, relating to health insurance, 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 **SS SCS HCS HB 1888**, entitled:

An act to repeal sections 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.040, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to stolen property and services, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 69**.

SENATE CONCURRENT RESOLUTION NO. 69

WHEREAS, on October 28, 2000, under Public Law 106-387, an exemption was made to allow food and medicine sales to Cuba, which was the first time since sanctions against Cuba were imposed in 1962; and

WHEREAS, the state of Pennsylvania has established a sister-state relationship with a Cuban province; and

WHEREAS, cities within the states of Indiana, Wisconsin, Alabama, California, Pennsylvania and Washington have established sister-city relationships with Cuban cities; and

WHEREAS, Cuba invites the state of Missouri to establish a sister-state relationship with the Province of Villa Clara to foster mutual friendship, peace and economic opportunities; and

WHEREAS, both the state of Missouri and the Province of Villa Clara possess rich cultural histories, the sharing of which will be mutually beneficial; and

WHEREAS, the state of Missouri is a national leader in the fields of agriculture, medicine and research, and is therefore in a unique position to provide humanitarian assistance to our Caribbean neighbor as well as developing an expansive market for Missouri's agriculture and medical products:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby extend to the officials of the Province of Villa Clara their sincere invitation to join with the state of Missouri in a meaningful sister-state relationship; and

BE IT FURTHER RESOLVED that the Governor of the state of Missouri is requested to implement procedures to effectuate the development of a sister-state relationship with the Province of Villa Clara; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of the state of Missouri and the Government Officials of the Province of Villa Clara.

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 dissolved the conference on **HCS SCS SB 980**, and has taken up and adopted **HCS SCS SB 980** and has taken up and passed **HCS SCS SB 980**.

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 1070** and has taken up and passed **HCS SCS SB 1070**.

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 1113** and has taken up and passed **HCS SCS SB 1113**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1075**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867 & 1969**, entitled:

An act to repeal sections 301.441 and 301.448, RSMo, and to enact in lieu thereof ten new sections relating to special license plates.

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 1789**, entitled:

An act to repeal sections 301.129, 301.131 and 301.453, RSMo, relating to special license plates, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2062**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 74**.

SENATE CONCURRENT RESOLUTION NO. 74

WHEREAS, the rugged and scenic landscape of Roaring River State Park is a landmark of Barry County and southwest Missouri; and

WHEREAS, Roaring River State Park provides hours of enjoyment for its visitors who partake in its fishing, hiking and camping opportunities; and

WHEREAS, the Inn and Conference Center at Roaring River State Park is the signature building in the Park; and

WHEREAS, Emory Melton was a state Senator representing Barry County and the area encompassing the Roaring River State Park for many years; and

WHEREAS, former state Senator Emory Melton was instrumental in furthering the development and enjoyment of the Park; and

WHEREAS, without Senator Melton's efforts, the Park would not be the tourist attraction that it is today; and

WHEREAS, Senator Melton deserves permanent recognition of his work on behalf of the Park:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate that the Inn and Conference Center at Roaring River State Park located in Barry County shall hereinafter be known as the "Emory Melton Inn and Conference Center"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Director of the Department of Natural Resources.

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 **HCR 4**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 13**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS SCR 57**.

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 57

WHEREAS, sustained investment in electric, natural gas, water sewer and heating utility infrastructure is vital to the economic vitality and well-being of the State of Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies compete with utility companies in other states for the capital necessary to sustain investment in utility infrastructure in Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies must achieve reasonable rates of return as compared to the rates of return achieved by utility companies in other states to ensure sustained investment in utility infrastructure in Missouri; and

WHEREAS, the utility regulatory process in Missouri, as it applies to electric, natural gas, water sewer and heating corporations, is governed primarily by Chapter 393, RSMo, which is largely unchanged since original enactment in 1913; and

WHEREAS, rates of return must not be set in such a way as to expose Missouri consumers and workers to the dangers of unaffordable, unreliable, unstably priced service in the name of encouraging investment; and

WHEREAS, the potential for the deregulation of utilities in Missouri has received substantial legislative study in recent years, while the ongoing utility regulatory process and procedure has not enjoyed broad legislative evaluation; and

WHEREAS, there is an increasing trend among energy and utility companies toward proliferation of subsidiary corporations, complex relationships and the movement of assets among these subsidiaries, the increasing reliance on business strategies which seek to separate the production of energy and the provision of service from speculation in energy as an abstract commodity; and

WHEREAS, this trend has complicated the regulatory task in Missouri in a variety of ways; and

WHEREAS, this trend calls for more effective public oversight of an increasingly complex energy market so as to prevent the harm to consumers, shareholders and workers that can result from the financial instability and lack of accountability; and

WHEREAS, the utility regulatory process could benefit from being evaluated at this time so as to ensure the ability of regulatory process to ensure reliable, affordable and stably priced utility service and promote the interests of fairness and balance among all constituencies, including consumers, workers and shareholders of regulated utility companies; and

WHEREAS, the utility regulatory process must be periodically evaluated so as to promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies, by addressing policy and practice advances in areas including , but not limited to, non-traditional regulatory rate plans, performance-based regulatory rate plans, incentive regulatory rate plans, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Legislative Committee on Utility Regulation and Infrastructure Investment; and

BE IT FURTHER RESOLVED that said Committee be composed of five members of the Senate, to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House and that said committee be authorized to function throughout the entirety of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said Committee conduct in-depth studies and make appropriate recommendations concerning: how the utility regulatory process and the results thereof in Missouri in regard to electric, natural gas, water sewer and heating utility companies compare to the utility regulatory process and the results thereof in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water sewer and heating utility companies can, or should, be modernized to be more efficient and effective, ensure sustained investment in utility infrastructure and promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that said Committee present a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-third General Assembly; and

BE IT FURTHER RESOLVED that said Committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, political subdivisions of this state, energy utilities, water utilities, heating corporations and representatives of energy and water customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Committee, its members and any staff personnel assigned to the Committee incurred in attending meetings of the Committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

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 **SS SCS SCR 60**.

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 60

WHEREAS, the State of Missouri recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, high technology has made enormous contributions to Missouri's economic growth and competitiveness; and

WHEREAS, the high technology industry is one of the most vibrant sectors of Missouri's economy, with over 3,670 high technology companies employing 21,300 Missouri residents and generating over \$1 billion in annual wages; and

WHEREAS, high technology jobs are high-paying, high-skill, dynamic, and adaptable, with the average Missouri high technology worker earning \$50,000 a year; and

WHEREAS, the positive economic impact of high technology in Missouri does not end with workers in well-paid high technology jobs, but extends to the businesses that provide goods and services to high technology companies, resulting in an overall impact of 66,100 jobs and more than \$2.4 billion in wages for Missouri residents; and

WHEREAS, software piracy represents one of the greatest threats to the continued growth of Missouri's high technology industry, with software piracy costing the Missouri economy nearly 1,900 jobs and \$80 million in wages annually; and

WHEREAS, software piracy robs \$15.1 million annually from the State of Missouri in lost tax revenues; and

WHEREAS, software piracy can have a serious chilling effect on creativity, innovation, and profitability in the vital high technology sector of Missouri's economy; and

WHEREAS, counterfeit and other forms of pirated software expose consumers, including state agencies, to the risk of computer viruses, reduced technical support, and other problems that prevent the efficient operation of information systems; and

WHEREAS, due to the destructive impact of software piracy on the Missouri economy and consumers, the Missouri General Assembly recognizes the need to develop a comprehensive statewide response to combat the use of unlicensed software in all state agencies and promote sound management of state information systems:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor to take the necessary steps to:

- (1) Cause each state agency to work diligently to prevent and combat computer software piracy;
- (2) Cause each state agency to be knowledgeable of relevant provisions of federal law, including the federal copyright acts and all applicable licensing restrictions; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 954**, entitled:

An act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 1202**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1213** and has taken up and passed **HCS SB 1213**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1244** and has taken up and passed **HCS SB 1244**.

The following member's presence was noted: Marsh.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:00 a.m., Thursday, May 9, 2002.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-sixth Day, Tuesday, May 7, 2002, page 1679, line 11, by deleting said line and inserting in lieu thereof the following:

SCS HB 2120: Representatives Hosmer, Britt, Kelly (36), Ridgeway and Mayer

Pages 1671 and 1672, roll call, by showing Representatives Burcham, Carnahan, Crawford, Jolly, Rector, Roark and Wright voting "aye" rather than "absent with leave".

Pages 1672 and 1673, roll call, by showing Representative Wright voting "aye" rather than "absent with leave".

Pages 1673 and 1674, roll call, by showing Representatives Hunter and Willoughby voting "aye" rather than "absent with leave".

Pages 1674 and 1675, roll call, by showing Representatives Crowell, Dempsey, Hosmer, Shields and Wright voting "aye" rather than "absent with leave".

Pages 1675 and 1676, roll call, by showing Representatives Crowell and Hunter voting "aye" rather than "absent with leave".

Pages 1676 and 1677, roll call, by showing Representatives Carnahan and Crowell voting "aye" rather than "absent with leave".

Pages 1677 and 1678, roll call, by showing Representative Crowell voting "aye" rather than "absent with leave".

Pages 1678 and 1679, roll call, by showing Representative Crowell voting "aye" rather than "absent with leave".

Pages 1679 and 1680, roll call, by showing Representatives Crowell and Wagner voting "aye" rather than "absent with leave".

Pages 1691 and 1692, roll call, by showing Representatives Jones, Walker and Wright voting "aye" rather than "absent with leave".

Pages 1694 and 1695, roll call, by showing Representatives Dolan, Froelker, Hunter, Rector and Reinhart voting "aye" rather than "absent with leave".

Pages 1695 and 1696, roll call, by showing Representatives Barry, Copenhaver, Dolan, Fares, Froelker, Jolly, Miller, Rector, Reinhart, Shields and St. Onge voting "aye" rather than "absent with leave".

Pages 1698 and 1699, roll call, by showing Representatives Enz, Kelly (27) and Reinhart voting "no" rather than "absent with leave".

Pages 1699 and 1700, roll call, by showing Representative Shoemaker (8) voting "aye" rather than "no".

Pages 1699 and 1700, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1700 and 1701, roll call, by showing Representative Copenhaver voting "present" rather than "aye".

Pages 1700 and 1701, roll call, by showing Representatives Hosmer and Paone voting "aye" rather than "absent with leave".

Pages 1701 and 1702, roll call, by showing Representatives Carnahan, Hosmer and Paone voting "aye" rather than "absent with leave".

Pages 1702 and 1703, roll call, by showing Representatives Burcham, Hosmer and Paone voting "aye" rather than "absent with leave".

Pages 1703 and 1704, roll call, by showing Representatives Fares, Hosmer, Kelly (27) and Paone voting "aye" rather than "absent with leave".

Pages 1704 and 1705, roll call, by showing Representatives Hosmer, Kelly (27) and Paone voting "aye" rather than "absent with leave".

Pages 1705 and 1706, roll call, by showing Representatives Hosmer, Kelly (27) and Paone voting "aye" rather than "absent with leave".

Pages 1706 and 1707, roll call, by showing Representatives Hosmer, Kelly (27), Myers and Paone voting "aye" rather than "absent with leave".

Pages 1707 and 1708, roll call, by showing Representatives Carnahan, Hampton, Hosmer, Kelly (27) and Paone voting "aye" rather than "absent with leave".

Pages 1708 and 1709, roll call, by showing Representatives Barry, Carnahan, Hosmer, Paone and Rector voting "aye" rather than "absent with leave".

Pages 1709 and 1710, roll call, by showing Representatives Hosmer and Paone voting "aye" rather than "absent with leave".

Pages 1710 and 1711, roll call, by showing Representatives Carnahan, Dempsey, Graham and Hosmer voting "aye" rather than "absent with leave".

Pages 1711 and 1712, roll call, by showing Representatives Carnahan, Graham, Harding, Hosmer and Shields voting "aye" rather than "absent with leave".

Pages 1712 and 1713, roll call, by showing Representatives Carnahan and Hosmer voting "aye" rather than "absent with leave".

Pages 1713 and 1714, roll call, by showing Representatives Carnahan, Crowell, Graham and Hosmer voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

COMMERCE AND ECONOMIC DEVELOPMENT

Thursday, May 9, 2002. Hearing Room 1 upon morning recess.

Executive Session.

Public Hearing to be held on: SB 1279

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, May 9, 2002, 8:00 a.m. Hearing Room 3.

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Thursday, May 9, 2002. Hearing Room 4 upon morning recess.

Executive Session may follow.

Public Hearing to be held on: SCR 53

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 9, 2002, 8:00 a.m. AMENDED - DATE CHANGED.

Senator Rohrbach's Office Room 221.

JUDICIARY

Thursday, May 9, 2002. Hearing Room 6 upon morning recess.

Public Hearing to be held on: SB 958, SB 1014, SB 1152

Executive Session to be held on: SB 662

PROFESSIONAL REGISTRATION AND LICENSING

Friday, May 10, 2002, 12:20 p.m. Hearing Room 5 upon morning recess or time mentioned.

Public Hearing to be held on: SB 739

HOUSE CALENDAR

SIXTY-EIGHTH DAY, THURSDAY, MAY 9, 2002

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1318 - George
- 2 HCS HB 1914 - Mays (50)
- 3 HCS HB 1680 - Hampton
- 4 HB 1708 - Daus
- 5 HB 1427 - Hosmer
- 6 HCS HB 1863 - Whorton
- 7 HCS HB 1923 - Barry
- 8 HB 1813 - Monaco
- 9 HB 1530 - Hoppe
- 10 HB 1721 - Shelton
- 11 HB 1211 - Smith
- 12 HB 1191 - Davis
- 13 HB 1198 - Graham
- 14 HB 1794, HCA 1 - Legan
- 15 HCS HB 1570 - Koller
- 16 HCS HB 1780 - Green (73)
- 17 HCS HB 1445 - Smith
- 18 HB 1663 - Seigfreid
- 19 HB 1596 - Harding
- 20 HB 1084 - Fraser
- 21 HCS HB 1321 & 1491 - Williams
- 22 HCS HB 1723 - Boucher
- 23 HB 1485 - Johnson (90)
- 24 HB 1439, HCA 1 - Myers
- 25 HB 1970 - Townley
- 26 HB 1052 - Ward
- 27 HCS HB 1725 - Walton
- 28 HB 1609 - Robirds
- 29 HCS HB 1828 - Cunningham
- 30 HCS HB 1407 - Riback Wilson (25)
- 31 HCS HB 1889 & 1946 - Foley
- 32 HCS HB 2065 - Ransdall

- 33 HCS HB 1077, 1187 & 1579 - Jolly
- 34 HCS HB 1599 - Lawson
- 35 HB 1233 - Harding
- 36 HCS HB 2086 - Sanders Brooks

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HB 2160, as amended - Britt
- 2 HCS HB 1576, HSA 1 for HA 1 and HA 1, as amended, pending - Hilgemann
- 3 HB 1916 - Franklin

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCS HCR 35, (5-7-02, Pages 1716-1718) - Riback Wilson (25)
- 2 HCR 30, (5-7-02, Pages 1715-1716) - Boucher
- 3 HCR 40, (5-7-02, Pages 1718-1719) - Walton

HOUSE JOINT RESOLUTION FOR THIRD READING

HJR 32 - Barry

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HS HB 1594 - Gratz
- 3 HCS HB 1886, (Fiscal Review 4-29-02) - Rizzo
- 4 HS HCS HB 1231 - Harding

SENATE CONCURRENT RESOLUTIONS FOR SECOND READING

- 1 SCS SCR 57
- 2 SS SCS SCR 60
- 3 SCR 69
- 4 SCR 74

SENATE BILL FOR SECOND READING

SCS SB 954

SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

SCR 58, HCA 1 (Klarich) (4-9-02, Pages 1026-1027) - Luetkenhaus

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 988, (Caskey) - Hartzler
- 2 SB 831, (Loudon) - Gambaro

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 675, E.C. (Fiscal Review 5-1-02)(Yeckel) - Seigfreid
- 2 HCS SCS SB 810, (Dougherty) - Ladd Baker
- 3 HCS SCS SB 712, E.C. (Singleton) (Fiscal Review 5-2-02) - O'Toole
- 4 SCS SB 915, 710 & 907, (Westfall) - Koller
- 5 HCS SCS SB 894, 975 & 927, E.C. (Kinder) (Fiscal Review 5-6-02) - O'Toole
- 6 HCS SB 856, (Russell) (Fiscal Review 5-6-02) - Rizzo
- 7 HCS SS SCS SB 670 & 684, (Sims) (Fiscal Review 5-8-02) - Harlan
- 8 HCS SB 1039, (DePasco) - Curls
- 9 HCS SCS SB 1061 & 1062, (Rohrbach) - Harlan
- 10 HCS SCS SB 722, (Bentley) - Relford
- 11 SB 1143, (Jacob) - Monaco
- 12 SB 859, (Russell) - Ransdall
- 13 HCS SCS SB 680, E.C. (Bland) - Barry
- 14 HCS SB 718, (House) - Berkowitz
- 15 SCS SB 1266, (Kenney) - Hoppe
- 16 SB 1011, (Caskey) - Monaco
- 17 HCS SCS SB 892, (Kenney) - O'Connor
- 18 HCS SS SCS SB 931, (Klarich) - Monaco

SENATE BILL FOR THIRD READING - APPROPRIATIONS

SB 1281, (Russell) - Green (73)

SENATE BILL FOR THIRD READING - INFORMAL

HCS SS SCS SB 969, 673 & 855, E.C. (Westfall) - Smith

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HB 1701 - Luetkenhaus
- 2 SS SCS HB 1712, as amended - Monaco
- 3 SCS HB 1468 - Ward
- 4 SCS HB 1473 - Green (15)
- 5 SS SCS HCS HB 1888 - Barnitz
- 6 SCS HB 1205, 1214, 1314, 1320, 1504, 1788, 1867 & 1969 -Seigfreid
- 7 SCS HB 1789 - Ross

BILL CARRYING REQUEST MESSAGES

HCS SCS SB 1202, E.C. (req. House recede/grant conference) - Koller

BILLS IN CONFERENCE

- 1 SCS HCS HB 1101 - Green (73)
- 2 SCS HCS HB 1102, as amended - Graham
- 3 SCS HCS HB 1103, as amended - Graham
- 4 SCS HCS HB 1104, as amended - Bray
- 5 SCS HCS HB 1105 - Bonner
- 6 SCS HCS HB 1106 - Ransdall
- 7 SCS HCS HB 1107, as amended - Ransdall
- 8 SCS HCS HB 1108 - Kelly (27)
- 9 SCS HCS HB 1109 - Kelly (27)
- 10 SCS HCS HB 1110 - Riback Wilson (25)
- 11 SCS HCS HB 1111, as amended - Troupe
- 12 SCS HCS HB 1112 - Bonner
- 13 SCS HB 2120 - Ridgeway
- 14 HS HCS SS SB 1248, as amended - Foley
- 15 HCS SB 758 - Hosmer
- 16 HCS SB 795 - Treadway
- 17 HCS SCS SB 1086 & 1126 - Hoppe
- 18 SCS HB 1313 - Burton
- 19 HS SB 1220, as amended - O'Toole