

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

SIXTY-EIGHTH DAY, THURSDAY, MAY 9, 2002

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious Lord, Giver of Life, we bow now as Your children, and ask for guidance. Strengthen, we pray, the men and women of this House. They want to do what is right and what is best for Missouri. They need Your guidance and protection so that no narrow perspective, or contentiousness, or impatience blinds them. Confirm them in their best instincts.

Particularly we pray for the leaders of this House, for our Speaker and those who lead these two great political parties that must work together for the common good. 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: Dennis Jones III, Keith Callen, Bobby Kohlberg, Kyra Hjelle, Chet Chenoweth, Katie Sybert, Cali Davison, Tim Smith and Greg Smith.

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

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 131

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Burton
Byrd	Campbell	Carnahan	Champion	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Daus	Davis	Dempsey	Dolan
Fares	Farnen	Foley	Fraser	Froelker
Gambaro	George	Gratz	Green 15	Green 73
Griesheimer	Hampton	Hanaway	Harding	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holt	Hoppe	Hosmer	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 27	Koller	Legan	Liese
Linton	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna

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Merideth	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Townley
Treadway	Van Zandt	Villa	Vogel	Walker
Walton	Ward	Whorton	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 000

PRESENT: 003

Burcham	Reynolds	Wright
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ABSENT WITH LEAVE: 028

Baker	Ballard	Brooks	Cierpiot	Curls
Enz	Franklin	Gaskill	Graham	Hagan-Harrell
Harlan	Hartzler	Holand	Hollingsworth	Hunter
Kelly 36	King	Lawson	Lograsso	Long
Miller	Monaco	Reinhart	Thompson	Troupe
Wagner	Williams	Willoughby		

VACANCIES: 001

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1887

through

House Resolution No. 1900 - Representatives Fraser, Bray and Hanaway

House Resolution No. 1901 - Representative Secrest

House Resolution No. 1902 - Representative Scott

House Resolution No. 1903

through

House Resolution No. 1906 - Representative Ridgeway

House Resolution No. 1907 - Representatives Vogel and Gratz

House Resolution No. 1908

and

House Resolution No. 1909 - Representative Luetkemeyer

House Resolution No. 1910 - Representative Champion

House Resolution No. 1911 - Representative Clayton

House Resolution No. 1912 - Representatives Jolly and Campbell

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCS SCR 57, SS SCS SCR 60, SCR 69 and SCR 74 were read the second time.

SECOND READING OF SENATE BILL

SCS SB 954 was read the second time.

Speaker Pro Tem Abel assumed the Chair.

MOTION

Representative Green (73) moved that the House Conferees be allowed to exceed the differences on **SCS HCS HB 1101 through SCS HCS HB 1112**.

Which motion was adopted.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 1468, relating to commercial insurance, was taken up by Representative Ward.

On motion of Representative Ward, **SCS HB 1468** was adopted by the following vote:

AYES: 155

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Portwood
Purgason	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	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

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NOES: 001

Selby

PRESENT: 000

ABSENT WITH LEAVE: 006

Boykins	Foley	Green 73	Harlan	Hollingsworth
Lograsso				

VACANCIES: 001

On motion of Representative Ward, **SCS HB 1468** was truly agreed to and finally passed by the following vote:

AYES: 146

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Daus	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	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	Kelly 36	Koller
Lawson	Legan	Liese	Linton	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 002

Ballard	Selby
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PRESENT: 000

ABSENT WITH LEAVE: 014

Baker	Boykins	Cierpiot	Foley	Franklin
Green 73	Harlan	Hartzler	Hollingsworth	King
Lograsso	Purgason	Robirds	Wagner	

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SS SCS HB 1712, as amended, relating to secured transactions, was taken up by Representative Monaco.

Representative Monaco moved that the House refuse to adopt **SS SCS HB 1712, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HB 1473, relating to health insurance, was taken up by Representative Green (15).

On motion of Representative Green (15), **SCS HB 1473** was adopted by the following vote:

AYES: 154

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	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	Kelly 36	King	Koller
Lawson	Legan	Liese	Linton	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway

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Troupe	Van Zandt	Villa	Vogel	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Crump	Franklin	Green 73	Harlan
Hollingsworth	Lograsso	Wagner		

VACANCIES: 001

Representative Villa assumed the Chair.

On motion of Representative Green (15), **SCS HB 1473** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 36	King	Koller	Legan	Liese
Linton	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	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	Walker	Walton	Ward	Whorton
Williams	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Baker	Ballard	Franklin	Green 73	Harlan
Holand	Hollingsworth	Kelly 27	Lawson	Lograsso
Wagner	Willoughby			

VACANCIES: 001

Representative Villa declared the bill passed.

Speaker Pro Tem Abel resumed the Chair.

SS SCS HCS HB 1888, relating to pawnshops, was taken up by Representative Barnitz.

On motion of Representative Barnitz, **SS SCS HCS HB 1888** was adopted by the following vote:

AYES: 150

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Fraser	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	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 36	King	Koller	Legan
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Overschmidt	Paone	Phillips	Portwood
Purgason	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	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: 001

Froelker

PRESENT: 000

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ABSENT WITH LEAVE: 011

Campbell	Foley	Franklin	Harlan	Hollingsworth
Kelly 27	Lawson	Miller	Monaco	Ostmann
Shields				

VACANCIES: 001

On motion of Representative Barnitz, **SS SCS HCS HB 1888** was truly agreed to and finally passed by the following vote:

AYES: 148

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Fraser	Froelker	Gambaro	Gaskill	George
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hilgemann	Hohulin	Holand
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 36	King	Legan	Liese
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Overschmidt
Phillips	Portwood	Purgason	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	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: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Franklin	Graham	Green 73	Harlan	Hickey
Hollingsworth	Kelly 27	Koller	Lawson	Linton
Lograsso	Monaco	Ostmann	Paone	

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SCS HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867 & 1969, relating to special license plates, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, **SCS HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867 & 1969** was adopted by the following vote:

AYES: 138

Abel	Baker	Ballard	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Cooper	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hohulin	Holand	Holt
Hoppe	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 36
King	Koller	Lawson	Legan	Liese
Linton	Long	Lowe	Luetkemeyer	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walker	Walton	Ward	Whorton	Willoughby
Wilson 42	Wright	Mr. Speaker		

NOES: 003

Franklin	Townley	Wilson 25
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PRESENT: 002

Copenhaver	Harding
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ABSENT WITH LEAVE: 019

Barnett	Berkowitz	Bray 84	Clayton	Foley
Gratz	Harlan	Hilgemann	Hollingsworth	Hosmer
Kelly 27	Lograsso	Luetkenhaus	Monaco	Paone
Purgason	Richardson	Shields	Williams	

VACANCIES: 001

On motion of Representative Seigfreid, **SCS HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867 & 1969** was truly agreed to and finally passed by the following vote:

1803 *Journal of the House*

AYES: 140

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Crawford
Crowell	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Fraser	Froelker	Gambaro	Gaskill
George	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hohulin	Holand
Holt	Hoppe	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Long	Lowe	Luetkemeyer
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shoemaker
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Willoughby	Wilson 42	Wright	Mr. Speaker

NOES: 002

Townley Wilson 25

PRESENT: 002

Copenhaver Harding

ABSENT WITH LEAVE: 018

Baker	Byrd	Foley	Franklin	Graham
Gratz	Harlan	Hilgemann	Hollingsworth	Hosmer
Kelly 27	Lograsso	Luetkenhaus	Monaco	Murphy
Purgason	Shields	Williams		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SCS HB 1789, relating to special license plates, was taken up by Representative Ross.

On motion of Representative Ross, **SCS HB 1789** was adopted by the following vote:

AYES: 135

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Bonner	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
Burton	Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Enz	Fares	Farnen	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Jetton	Johnson 61	Johnson 90	Jones	Kelley 47
Kelly 144	Kelly 36	King	Koller	Lawson
Legan	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Phillips	Portwood	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Treadway	Troupe
Van Zandt	Villa	Wagner	Walker	Walton
Ward	Whorton	Wilson 42	Wright	Mr. Speaker

NOES: 006

Boatright	Foley	Hunter	Jolly	Townley
Wilson 25				

PRESENT: 002

Copenhaver	Harding
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ABSENT WITH LEAVE: 019

Ballard	Boucher	Byrd	Dolan	Franklin
Gratz	Green 73	Harlan	Hilgemann	Hosmer
Kelly 27	Luetkenhaus	Monaco	Purgason	Richardson
Shields	Vogel	Williams	Willoughby	

VACANCIES: 001

On motion of Representative Ross, **SCS HB 1789** was truly agreed to and finally passed by the following vote:

AYES: 143

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

1805 *Journal of the House*

Burton	Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jones
Kelley 47	Kelly 144	Kelly 36	King	Koller
Lawson	Legan	Liese	Linton	Long
Lowe	Luetkemeyer	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Treadway	Troupe	Van Zandt	Villa	Wagner
Walker	Walton	Ward	Whorton	Willoughby
Wilson 42	Wright	Mr. Speaker		

NOES: 003

Jolly	Townley	Wilson 25
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PRESENT: 002

Copenhaver	Harding
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ABSENT WITH LEAVE: 014

Baker	Ballard	Boykins	Byrd	Franklin
Green 73	Harlan	Kelly 27	Lograsso	Luetkenhaus
Purgason	Reinhart	Vogel	Williams	

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

BILL CARRYING REQUEST MESSAGE

HCS SCS SB 1202, relating to motor carrier services unit, was taken up by Representative Koller.

Representative Koller moved that the House refuse to recede from its position on **HCS SCS SB 1202** and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SCS SB 810, relating to utilicare program, was taken up by Representative Ladd Baker.

Representative Ladd Baker offered **HS HCS SCS SB 810**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810 by inserting in the appropriate location the following:

“660.099. 1. The general assembly may appropriate funds in addition to the amount currently being provided per annum for nutrition services for the elderly. Funds so designated to provide nutrition services for the elderly shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year**.

2. The general assembly may appropriate funds in addition to the amount currently being provided per annum through the Missouri elderly and handicapped transportation program. Funds so designated to provide transportation for the elderly and developmentally disabled shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

3. The general assembly may appropriate funds in addition to the amount currently being provided per annum for home-delivered meals for the elderly. Such additional funds shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year.”**; and

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

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

Representative Clayton assumed the Chair.

Speaker Pro Tem Abel resumed the Chair.

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, Page 4, Section 660.115.1, Line 18, by deleting the period at the end of Line 18 and adding the following:

“; provided that the respective shares of overall funding previously received by primary and secondary heating and cooling source suppliers on behalf of their customers shall be substantially maintained.”.

HCS SCS SB 810, with House Amendment No. 2 and HS, as amended, pending, was laid over.

Representative Crump suggested the absence of a quorum.

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The following roll call indicated a quorum present:

AYES: 127

Abel	Barry 100	Bartelsmeyer	Bartle	Bearden
Berkowitz	Berkstresser	Black	Bland	Boatright
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burton	Byrd	Carnahan	Champion
Cierpiot	Clayton	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Daus	Davis
Dempsey	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 27	Kelly 36
Linton	Lowe	Luetkemeyer	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Myers	Naeger	Nordwald
O'Connor	O'Toole	Overschmidt	Phillips	Portwood
Purgason	Quinn	Ransdall	Rector	Reid
Relford	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Troupe	Van Zandt	Villa	Vogel
Walker	Walton	Ward	Whorton	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 000

PRESENT: 003

Burcham	Reynolds	Wright
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ABSENT WITH LEAVE: 032

Baker	Ballard	Barnett	Barnitz	Behnen
Bonner	Campbell	Cooper	Dolan	Harlan
Hickey	Hosmer	Kelly 144	King	Koller
Lawson	Legan	Liese	Lograsso	Long
Luetkenhaus	Marble	Murphy	Ostmann	Paone
Reinhart	Richardson	Scott	Treadway	Wagner
Williams	Willoughby			

VACANCIES: 001

Speaker Kreider resumed the Chair.

THIRD READING OF SENATE BILL - APPROPRIATIONS

SB 1281, relating to appropriations, was taken up by Representative Green (73).

SB 1281 was laid over.

MESSAGES FROM THE SENATE

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 **HS SB 1220, as amended**: Senators Sims, Kenney, Yeckel, Wiggins and Dougherty.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HBs 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025 & 2123**, entitled:

An act to repeal section 301.469, RSMo, relating to special license plates and to enact in lieu thereof twenty-five new sections relating to the same subject.

With Senate Amendment No. 1

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025 & 2123, Page 3, Section 301.2999, Line 6, by deleting “(3)”.

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 1811**, entitled:

An act to authorize the governor to convey certain described property.

With Senate Amendment No. 1

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 1811, Page 5, Section 3, Line 40, by striking “2nd” and inserting in lieu thereof the following: “**22nd**”.

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 1443**, entitled:

An act to repeal sections 192.016 and 453.030, RSMo, and to enact in lieu thereof three new sections relating to child abandonment.

In which the concurrence of the House is respectfully requested.

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.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1913

and

House Resolution No. 1914 - Representative Rector

House Resolution No. 1915 - Representatives Rector and Mays (50)

House Resolution No. 1916 - Representative Barnitz

House Resolution No. 1917

through

House Resolution No. 1923 - Representative Cunningham

House Resolution No. 1924 - Representative Shoemaker (8)

House Resolution No. 1925 - Representative Johnson (61)

House Resolution No. 1926

through

House Resolution No. 1933 - Representative Dempsey

House Resolution No. 1934

and

House Resolution No. 1935 - Representative Fraser

House Resolution No. 1936 - Representative Dolan

House Resolution No. 1937 - Representative Cunningham

House Resolution No. 1938 - Representative Bonner

House Resolution No. 1939 - Representative Burton

House Resolution No. 1940

and

House Resolution No. 1941 - Representative Green (15)

House Resolution No. 1942 - Representative Bearden

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 **HCS SS SCS SB 675 (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 712 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILLS

HCS SCS SB 810, with House Amendment No. 2 and HS, as amended, pending, relating to Utilicare program, was again taken up by Representative Ladd Baker.

On motion of Representative Smith, **House Amendment No. 2** was adopted by the following vote:

AYES: 104

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Behnen	Berkowitz	Berkstresser	Black
Bland	Boatright	Bonner	Bowman	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Gaskill	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Holt	Hunter	Jetton	Johnson 61	Jones
Kelley 47	Kelly 144	Kelly 27	King	Lawson
Linton	Long	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	McKenna	Merideth
Miller	Moore	Myers	Nordwald	O'Toole
Overschmidt	Phillips	Purgason	Quinn	Ransdall
Rector	Reinhart	Relford	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shoemaker	Shoemyer
Skaggs	Smith	Surface	Thompson	Treadway
Troupe	Vogel	Wagner	Walker	Walton
Ward	Whorton	Wilson 42	Wright	

NOES: 044

Baker	Barnitz	Bearden	Boucher	Bray 84
Britt	Daus	Fares	Farnen	Franklin
Fraser	Froelker	Gambaro	George	Graham
Harding	Harlan	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer	Johnson 90
Jolly	Kelly 36	Liese	Lowe	Mays 50
Monaco	O'Connor	Ostmann	Paone	Reid
Reynolds	Ridgeway	Rizzo	St. Onge	Townley
Van Zandt	Villa	Willoughby	Wilson 25	

PRESENT: 000

ABSENT WITH LEAVE: 014

Boykins	Crump	Foley	Green 73	Koller
Legan	Lograsso	Murphy	Naeger	Portwood
Richardson	Shields	Williams	Mr. Speaker	

VACANCIES: 001

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810 by inserting in the appropriate location the following:

“470.270. After the owner, his **or her** assignee, personal representative, grantee, heirs, devisees or other successors, entitled to any moneys, refund of rates or premiums or effects by reason of any litigation concerning rates, refunds, refund of premiums, fares or charges collected by any person or corporation in the state of Missouri for any service rendered or to be rendered in said state, or for any contract of insurance on property in this state, or under any contract of insurance performed or to be performed in said state, which moneys, refund of rates or premiums or effects have been paid into or deposited in connection with any cause in any court of the state of Missouri or in connection with any cause in any United States court, or so paid into the custody of any depository, clerk, custodian, or other officer of such court, whether the same be afterwards transferred and deposited in the United States treasury or not, shall be and remain unknown, or the whereabouts of such person or persons shall be and has been unknown, for the period heretofore, or hereafter, of five successive years, or such moneys, refund of rates or premiums or effects remain unclaimed for the period heretofore, or hereafter, of five successive years, from the time such moneys or property are ordered repaid or distributed by such courts, such moneys or property shall be escheatable to the state of Missouri, and may be escheated to the state of Missouri in the manner herein provided, with all interest and earnings actually accrued thereon to the date of the judgment and decree for the escheat of the same; **except that all refunds of rates generated by the refund of natural gas or electric rates shall be transferred to the utilicare stabilization fund created pursuant to section 660.136, RSMo, with the exception of lawsuits in which the state of Missouri is a party, if the moneys that result from a refund of rates remains unclaimed after five years from the date when such rates are ordered repaid, with all interest from such refunded rates that is earned from the date such rates are ordered repaid to escheat to the state as otherwise provided in sections 470.270 to 470.350.** The provisions of this section notwithstanding, this state may elect to take custody of such unclaimed property by instituting a proceeding pursuant to section 447.575, RSMo.”; and

Further amend said bill, Section 660.136, Page 7, Line 17, by inserting after the word “**fund.**” on said line the following: “**Except as provided in subsection 3,**”; and

Further amend said bill, Section 660.136, Page 8, Line 18, by inserting after all of said line the following:

“3. When the utilicare stabilization fund receives a transfer pursuant to section 470.270, RSMo, the moneys from that transfer shall be held in the fund for one full year after the date of transfer and shall be used to pay for heating or cooling assistance as provided in sections 660.100 to 660.136. Any moneys remaining at the end of that year shall be deposited in the state treasury to the credit of the general revenue fund of the state.”; and

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

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

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

Representative Monaco raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

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

(1) "Energy cost savings measure", a training program or facility alteration designed to reduce energy consumption or operating costs, and may include one or more of the following:

(a) Insulation of the building structure or systems within the building;
 (b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing reductions in glass area, or other window and door system modifications that reduce energy consumption;

(c) Automated or computerized energy control system;

(d) Heating, ventilating or air conditioning system modifications or replacements;

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;

(f) Indoor air quality improvements to increase air quality that conforms to the applicable state or local building code requirements;

(g) Energy recovery systems;

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(i) Any life safety measures **related to compliance with the Americans With Disabilities Act, 42 U.S.C. Section 12101, et seq.**, that provide long-term operating cost reductions and are in compliance with state and local codes; or

(j) Building operation programs that reduce the operating costs;

(2) "Governmental unit", a state government agency, department, institution, college, university, technical school, legislative body or other establishment or official of the executive, judicial or legislative branches of this state authorized by law to enter into contracts, including all local political subdivisions such as counties, municipalities, public school districts or public service or special purpose districts;

(3) "Guaranteed energy cost savings contract", a contract for the implementation of one or more such measures. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the energy cost savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed energy cost savings contracts shall be considered public works contracts to the extent that they provide for capital improvements to existing facilities;

(4) "Operational savings", expenses eliminated and future replacement expenditures avoided as a result of new equipment installed or services performed;

(5) "Qualified provider", a person or business experienced in the design, implementation and installation of energy cost savings measures;

(6) "Request for proposals" or "RFP", a negotiated procurement.

2. No governmental unit shall enter into a guaranteed energy cost savings contract until competitive proposals therefor have been solicited by the means most likely to reach those contractors interested in offering the required services, including but not limited to direct mail solicitation, electronic mail and public announcement on bulletin boards, physical or electronic. The request for proposal shall include the following:

(1) The name and address of the governmental unit;

(2) The name, address, title and phone number of a contact person;

(3) The date, time and place where proposals shall be received;

(4) The evaluation criteria for assessing the proposals; and

(5) Any other stipulations and clarifications the governmental unit may require.

3. The governmental unit shall award a contract to the qualified provider that provides the lowest and best proposal which meets the needs of the unit if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational savings, or both, within a ten-year period from the date installation is complete, if the recommendations in the proposal are followed.

The governmental unit shall have the right to reject any and all bids.

4. The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures, adjusted for inflation, within ten years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed ten years, subject to appropriation of funds therefor.

5. The governmental unit shall include in its annual budget and appropriations measures for each fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

6. A governmental unit may use designated funds for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

7. Notwithstanding any provision of this section to the contrary, a not-for-profit corporation incorporated pursuant to chapter 355, RSMo, and operating primarily for educational purposes in cooperation with public or private schools shall be exempt from the provisions of this section."; and

Further amend the title and enacting clause accordingly.

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

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

"8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the division of design and construction is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

(1) The specialized experience and technical competence of the firm or team with respect to the type of services required;

(2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project; and

(3) The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.

2. Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.

3. The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.

4. The division of design and construction is authorized to use this procurement process for eight projects.

640.651. As used in sections 640.651 to 640.686, the following terms mean:

(1) "Applicant", any school, hospital, small business, local government or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans or financial assistance to the department;

(2) "Application cycle", the period of time each year, as determined by the department, that the department shall accept and receive applications seeking loans or financial assistance under the provisions of sections 640.651 to 640.686;

(3) "Authority", the environmental improvement and energy resources authority;

(4) "Borrower", a recipient of loan or other financial assistance program funds subsequent to the execution of loan or financial assistance documents with the department or other applicable parties provided that a building owned by the state or an agency thereof **other than a state college or state university**, shall not be eligible for loans or financial assistance pursuant to sections 640.651 to 640.686;

(5) "Building", including initial installation in a new building, any applicant-owned and -operated structure,

group of closely situated structural units that are centrally metered or served by a central utility plant, or an eligible portion thereof, which includes a heating or cooling system, or both;

- (6) "Department", the department of natural resources;
- (7) "Energy conservation loan account", an account to be established on the books of a borrower for purposes of tracking information related to the receipt or expenditure of the loan funds or financial assistance, and to be used to receive and remit energy cost savings for purposes of making payments on the loan or financial assistance;
- (8) "Energy conservation measure" or "ECM", an installation or modification of an installation in a building or replacement or modification to an energy-consuming process or system which is primarily intended to maintain or reduce energy consumption and reduce energy costs, or allow the use of an alternative or renewable energy source;
- (9) "Energy conservation project" or "project", the design, acquisition, installation, and implementation of one or more energy conservation measures;
- (10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is estimated to accrue from energy savings or avoided costs due to implementation of an energy conservation project;
- (11) "Estimated simple payback", the estimated cost of a project divided by the estimated energy cost savings;
- (12) "Fund", the energy set-aside program fund established in section 640.665;
- (13) "Hospital", a facility as defined in subsection 2 of section 197.020, RSMo, including any medical treatment or related facility controlled by a hospital board;
- (14) "Hospital board", the board of directors having general control of the property and affairs of the hospital facility;
- (15) "Loan agreement", a document agreed to by the borrower's school, hospital or corporate board, principals of a business, the governing body of a local government or other authorized officials and the department or other applicable parties and signed by the authorized official thereof, that details all terms and requirements under which the loan is issued or other financial assistance granted, and describes the terms under which the loan or financial assistance repayment shall be made;
- (16) "Payback score", a numeric value derived from the review of an application, calculated as prescribed by the department, which may include an estimated simple payback or life-cycle costing method of economic analysis and used solely for purposes of ranking applications for the selection of loan and financial assistance recipients within the balance of program funds available;
- (17) "Project cost", all costs determined by the department to be directly related to the implementation of an energy conservation project, and, for initial installation in a new building, shall include the incremental cost of a high-efficiency system;
- (18) ["Repayment period", unless otherwise negotiated as required under section 640.660, the period in years required to repay a loan or financial assistance as determined by the projects' estimated simple payback or life-cycle costing analysis, and rounded to the next year in cases where the estimated simple payback or life-cycle costing analysis is in a fraction of a year;
- (19)] "School", an institution operated by a **state college or state university**, public agency, political subdivision or a public or private nonprofit organization tax exempt under section 501(c)(3) of the Internal Revenue Code which:
 - (a) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;
 - (b) Provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; is accredited by a nationally recognized accrediting agency or association; and provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program; or
 - (c) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation; provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting agency or association;
- [(20)] (19) "School board", the board of education having general control of the property and affairs of any school as defined in this section;
- [(21)] (20) "Technical assistance report", a specialized engineering report that identifies and specifies the quantity

of energy savings and related energy cost savings that are likely to result from the implementation of one or more energy conservation measures;

[(22)] **(21)** "Unobligated balance", that amount in the fund that has not been dedicated to any projects at the end of each state fiscal year.

640.653. 1. An application for loan funds or other financial assistance may be submitted to the department for the purpose of financing all or a portion of the costs incurred in implementing an energy conservation project. The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the department. This section shall not preclude any applicant or borrower from joining in a cooperative project with any other local government or with any state or federal agency or entity in an energy conservation project; provided that, all other requirements of sections 640.651 to 640.686 are met.

2. Eligible applications shall be assigned a payback score derived from the application review performed by the department. Applications shall be selected for loans and financial assistance beginning with the lowest payback score and continuing in ascending order to the highest payback score until all available program funds have been obligated within any given application cycle. The selection criteria may be applied per sector or entity to assure equity pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance an energy project with a payback score of less than six months or more than [eight years] **ten years or eighty percent of the expected useful life of the energy conservation measures when the expected useful life exceeds ten years.** Repayment periods are to be determined by the department. Applications may be approved for loans or financial assistance only in those instances where the applicant has furnished the department information satisfactory to assure that the project cost will be recovered through energy cost savings during the repayment period of the loan or financial assistance. In no case shall a loan or financial assistance be made to an applicant unless the approval of the governing board or body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable.

3. The department shall approve or disapprove all applications for loans or financial assistance which are sent by certified or registered mail or hand delivered and received by the department's division of energy on, or prior to, the ninetieth day following the date of application cycle closing. Any applications which are not acted upon by the department by such date shall be deemed to be approved as submitted.

4. The department of elementary and secondary education shall be provided a summary of all proposed public elementary and secondary school projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department, the department of elementary and secondary education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for public education facilities.

5. The department of health and senior services shall be provided a summary of all proposed hospital projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department of natural resources, the department of health and senior services shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related health requirements for hospital facilities.

6. The coordinating board for higher education shall be provided a summary of all proposed public higher education facility projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans and financial assistance by the department, the coordinating board for higher education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for education facilities."

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

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

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

The Chair ruled the point of order well taken.

On motion of Representative Ladd Baker, **HS HCS SCS SB 810, as amended**, was adopted.

On motion of Representative Ladd Baker, **HS HCS SCS SB 810, as amended**, was read the third time and passed by the following vote:

AYES: 127

Abel	Baker	Barnett	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Bonner	Boucher	Bowman
Britt	Brooks	Burcham	Burton	Campbell
Carnahan	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hendrickson
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	King	Lawson
Liese	Lograsso	Long	Lowe	Luetkenhaus
Marble	Marsh	May 149	Mays 50	McKenna
Merideth	Monaco	Moore	Myers	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Portwood	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Ridgeway	Robirds
Ross	Scheve	Secrest	Seigfreid	Selby
Shelton	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright			

NOES: 018

Boatright	Byrd	Crowell	Henderson	Hohulin
Hunter	Jetton	Kelly 144	Linton	Mayer
Miller	Murphy	Phillips	Purgason	Rizzo
Roark	Schwab	Scott		

PRESENT: 000

ABSENT WITH LEAVE: 017

Ballard	Bartelsmeyer	Boykins	Bray 84	Champion
Foley	Hegeman	Hickey	Koller	Legan
Luetkemeyer	Naeger	Richardson	Shields	Thompson
Wagner	Mr. Speaker			

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

HCS SCS SB 712, relating to state emergency health powers, was taken up by Representative O'Toole.

Representative O'Toole offered **HS HCS SCS SB 712**.

Representative Johnson (90) offered **House Amendment No. 1**.

Representative Portwood raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 22, Section 542.404, Line 22, by deleting said line after the term “**evidence of**” through Page 23, Line 10, and inserting in lieu thereof the following:

“**a felony which involves the manufacture or distribution of a controlled substance, as the term is defined by section 195.016, or the felony of murder, arson, or kidnapping, or a terrorist threat as defined in section 574.115, or any conspiracy to commit any of the foregoing.**”; and

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

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 38.050, Line 4 of said page, by deleting the word “, **bioterrorism**” and inserting in lieu thereof the following: “**and bioterrorism preparedness**”; and

Further amend said bill, Page 3, Section 38.050, Line 9 of said page, by deleting the word “, **bioterrorism**” and inserting in lieu thereof the following: “**and bioterrorism protections**”; and

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

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

Representative Monaco assumed the Chair.

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 52, Section 610.021, Line 21 of said page, by deleting all of said line and inserting in lieu thereof the following:

“(18) [In preparation for and implementation of electric”; and

Further amend said bill, Page 53, Section 610.021, Lines 12 to 14 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"the state of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state.] **A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three business days act upon such public records request, pursuant to section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. This exception shall sunset on December 31, 2006.**"; and

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

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

*House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 53, Section 610.021, Line 15 of said page, by deleting the number "**2006**" on said line and inserting in lieu thereof the number "**2005**"; and

Further amend said bill, Page 53, Section 610.021, Line 16 of said page by inserting after all of said line the following:

"A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three business days act upon such public records request, pursuant to section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. This exception shall sunset on December 31, 2006."; and

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

On motion of Representative Hosmer, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 55, Section 610.021, Line 6 of said page, by inserting immediately after all of said line the following:

"640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity given to the public to be heard; the commission may solicit the

views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo, shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo, and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. **The department shall provide training and technical assistance to public water systems to protect against threats of tampering, sabotage, and terrorism.**

6. **For the purposes of this section, "tampering" means to knowingly introduce a contaminant or otherwise interfere with the operation of a public water system for the purpose of causing a substantial interruption or impairment of service. Tampering with a public water system shall be tampering in the first degree pursuant to section 569.080, RSMo. The department may bring a civil action in the appropriate court against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system.**

7. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule,

in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size, shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$2.00
1,001 to 4,000 connections	1.84
4,001 to 7,000 connections	1.67
7,001 to 10,000 connections	1.50
10,001 to 20,000 connections	1.34
20,001 to 35,000 connections	1.17
35,001 to 50,000 connections	1.00
50,001 to 100,000 connections	.84
More than 100,000 connections	.66

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars; and for customers with meters greater than four inches in size shall not exceed fifty dollars.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

[6.] 8. Fees imposed pursuant to subsection [5] 7 of this section shall become effective on August 28, 1992, and shall be collected by the public water system serving the customer. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection [5] 7 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

[7.] 9. Imposition and collection of the fees authorized in subsection [5] 7 of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

[8.] 10. Fees imposed pursuant to subsection [5] 7 of this section shall expire on September 1, [2002] 2007.”
; and

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

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

Representative Johnson (90) offered **House Amendment No. 5**.

Representative Gratz raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Representative O'Toole raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Representative O'Toole raised a point of order that **House Amendment No. 5** is not properly drafted to the House Substitute.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Representative O'Toole raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 41, Section 570.030, Line 3, by adding after said line the following: "**of explosive grade.**".

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

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Section 190.500, Line 6, by removing Lines 6-16 and inserting in the appropriate section:

"(2) Any emergency proclaimed by the governor may be called for no more than ten days unless extended by resolution of the legislature. Any emergency proclaimed by resolution of the legislature, or any extension of an emergency, shall be called for no more than thirty days and such resolution shall be by a two-thirds majority. Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency."; and

Further amend title, enacting clause and intersectional references accordingly.

Representative Townley moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

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

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 14, Section 407.760 and 407.762, Line 11, by deleting all of said sections.

Representative Dolan moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 55, Section 610.021, Line 6, by inserting immediately after said line the following:

"650.450. 1. A death benefit of one hundred fifty thousand dollars for a public safety officer who dies in the line of duty, shall be paid in a lump sum to the following relative:

- (a) To the surviving spouse;**
- (b) If there is no surviving spouse, to the surviving children to be shared equally;**
- (c) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.**

2. A public safety officer for the purposes of this section is a firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state or Missouri or a political subdivision thereof or any volunteer firefighter serving a rural, volunteer or subscription fire department or organization.

3. As used in this section, "dies in the line of duty" refers to a death that occurs as a direct result of a personal injury or illness resulting from any action of a public safety officer while actively performing duties as authorized or obligated by law, rule, regulation or condition of employment or service to perform.

4. The office of administration shall administer claims and payments pursuant to this section. Funding for death benefits pursuant to this section shall be paid from general revenue. Should the number of claims filed during any fiscal year exceed the appropriation for benefits pursuant to this section, benefits shall be paid on a pro rata basis."; and

Further amend the title and enacting clause accordingly.

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

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712 by inserting in the appropriate location the following:

"565.032. 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or he shall include in his instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;

(2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;

(3) The offender by his act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder in the first degree for himself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;

(5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;

(7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;

(8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his official duty;

(9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another;

(11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195, RSMo;

(12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his status as a witness or potential witness;

(13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his official duties, or the murdered individual was an inmate of such institution or facility;

(14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;

(15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195, RSMo;

(16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195, RSMo;

(17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421;

(18) The murder was committed during an act of terrorism.

3. Statutory mitigating circumstances shall include the following:

- (1) The defendant has no significant history of prior criminal activity;
- (2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance;
- (3) The victim was a participant in the defendant's conduct or consented to the act;
- (4) The defendant was an accomplice in the murder in the first degree committed by another person and his participation was relatively minor;
- (5) The defendant acted under extreme duress or under the substantial domination of another person;
- (6) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired;
- (7) The age of the defendant at the time of the crime."; and

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

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

Which motion was defeated.

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

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, by inserting the following in the appropriate location:

“1. As used in this section “institution of higher education” or “institution” shall mean any flight school or any institution of post-secondary education, including a university, college, vocation and technical school and other post-secondary institutions.

2. Any institution of higher education which has any student who is enrolled in or attending such institution on a foreign student visa, shall track the visa status of that student and shall report any change in that student’s visa status, within forty-eight hours of becoming aware of it, to the department of immigration and naturalization services.”.

On motion of Representative Bearden, **House Amendment No. 10** was adopted.

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

Speaker Pro Tem Abel resumed the Chair.

Representative Gambaro raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative O'Toole raised a point of order that **House Amendment No. 11** is dilatory.

The Chair ruled the point of order well taken.

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

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, by inserting in the appropriate location the following:

"44.100. 1. The emergency powers of the governor shall be as follows:

(1) The provisions of this section shall be operative only during the existence of a state of emergency (referred to in this section as "emergency"). The existence of an emergency may be proclaimed by the governor or by resolution of the legislature, if the governor in his proclamation, or the legislature in its resolution, finds that a natural or man-made disaster of major proportions has actually occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(2) Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency.

(3) During the period that the state of emergency exists or continues, the governor shall:

(a) Enforce and put into operation all plans, rules and regulations relating to disasters and emergency management of resources adopted under this law and to assume direct operational control of all emergency forces and volunteers in the state;

(b) Take action and give directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this law and with the orders, rules and regulations made pursuant thereof;

(c) Seize, take or requisition to the extent necessary to bring about the most effective protection of the public:

a. Any means of transportation, other than railroads and railroad equipment and fuel, and all fuel necessary for the propulsion thereof;

b. Any communication system or part thereof necessary to the prompt and efficient functioning of the emergency management of the state;

c. All stocks of fuel;

d. Facilities for housing, feeding and hospitalization of persons, including buildings and plants;

(d) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods or services;

(e) Prescribe and direct activities in connection with but not limited to use, conservation, salvage and prevention of waste of materials, services and facilities, including production, transportation, power and communication facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing and private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection and other essential civil needs;

(f) To use or distribute all or any of this property among the inhabitants of the state in any area adversely affected by a natural or man-made disaster and to account to the state treasurer for any funds received thereof;

(g) To waive or suspend the operation of any statutory requirement or administrative rule regarding the licensing, certification or issuance of permits evidencing professional, mechanical or other skills;

(h) In accordance with rules or regulations, to provide that all law enforcement authorities and other emergency response workers and agencies of other states who may be within this state at the request of the governor or pursuant to state or local mutual-aid agreements or compacts shall have the same authority and possess the same powers, duties, rights, privileges and immunities as are possessed by like law enforcement authorities and emergency response workers and agencies of this state;

(i) To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population.

2. When any property is seized, taken or requisitioned under this section, the circuit court of the county in which the property was taken may on the application of the owner thereof or on the application of the governor in cases where numerous claims may be filed, appoint three disinterested commissioners in the manner provided by section

523.040, RSMo, to assess the damages which the owners may have sustained by reason of the appropriation thereof. Upon the application the amount due because of the seizure of property shall be determined in the manner provided in chapter 523, RSMo, for the determination of damages in case of the exercise of the power of eminent domain.

3. Any emergency shall be limited to the least restrictive geographic area and the provisions of this section shall be enforced in any emergency in the least intrusive, disruptive, or restrictive manner to the economic and social activities of the citizens of this state."; and

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

Representative Phillips moved that **House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 076

Ballard	Barnett	Bartle	Bearden	Behnen
Black	Boatright	Burcham	Burton	Byrd
Champion	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Dempsey	Dolan	Enz	Fares
Froelker	Gambaro	Gaskill	Gratz	Griesheimer
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Hunter	Jetton	Kelley 47
King	Linton	Lograsso	Long	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Merideth	Miller	Moore	Murphy	Myers
Naeger	Nordwald	Ostmann	Phillips	Portwood
Purgason	Quinn	Rector	Reid	Reinhart
Ridgeway	Roark	Robirds	Ross	Schwab
Scott	Secrest	Shields	Shoemaker	St. Onge
Surface	Townley	Vogel	Walton	Wilson 25
Wright				

NOES: 078

Abel	Barnitz	Barry 100	Berkowitz	Berkstresser
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Copenhaver	Crump	Curls	Daus	Davis
Farnen	Foley	Franklin	Fraser	George
Graham	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	Mays 50
McKenna	O'Connor	O'Toole	Overschmidt	Paone
Ransdall	Relford	Reynolds	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Smith
Thompson	Treadway	Troupe	Van Zandt	Villa
Wagner	Walker	Ward	Whorton	Williams
Willoughby	Wilson 42	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Bartelsmeyer	Bland	Kelly 144	Legan
Monaco	Richardson	Skaggs		

VACANCIES: 001

On motion of Representative O'Toole, **HS HCS SCS SB 712, as amended**, was adopted.

On motion of Representative O'Toole, **HS HCS SCS SB 712, as amended**, was read the third time and passed by the following vote:

AYES: 088

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Copenhaver	Crump	Curls	Daus
Davis	Farnen	Foley	Franklin	Fraser
Gambaro	George	Graham	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	Marsh	Mays 50	McKenna
Merideth	Monaco	O'Connor	O'Toole	Overschmidt
Paone	Ransdall	Reid	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: 067

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

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer	Berkstresser	Hegeman	Hohulin	Kelly 144
Marble	Murphy			

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 079

Abel	Barnitz	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Boykins	Britt
Brooks	Campbell	Carnahan	Clayton	Copenhaver
Crump	Curls	Daus	Davis	Farnen
Foley	Franklin	Fraser	George	Graham
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	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	Scheve	Seigfreid
Selby	Shelton	Shoemyer	Smith	Thompson
Treadway	Troupe	Van Zandt	Villa	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 065

Ballard	Barnett	Bartle	Bearden	Behnen
Black	Boatright	Burcham	Burton	Byrd
Champion	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Dempsey	Enz	Fares	Froelker
Gambaro	Gaskill	Gratz	Griesheimer	Hanaway
Hartzler	Henderson	Hendrickson	Holand	Hunter
Jetton	Kelley 47	King	Legan	Linton
Long	Luetkemeyer	Marsh	May 149	Mayer
Miller	Myers	Naeger	Nordwald	Phillips
Portwood	Purgason	Quinn	Rector	Reid
Richardson	Ridgeway	Roark	Robirds	Ross
Schwab	Scott	Secrest	Shields	Shoemaker
St. Onge	Surface	Townley	Vogel	Wright

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker	Bartelsmeyer	Berkstresser	Bray 84	Dolan
Haywood	Hegeman	Hickey	Hohulin	Kelly 144
Lograsso	Marble	Moore	Murphy	Ostmann
Reinhart	Rizzo	Skaggs		

VACANCIES: 001

Speaker Kreider resumed the Chair.

THIRD READING OF SENATE BILL - APPROPRIATIONS

SB 1281, relating to appropriations, was again taken up by Representative Green (73).

Representative Byrd requested a division of the question on **SB 1281**.

Representative Smith assumed the Chair.

Speaker Kreider resumed the Chair.

Representative Crump offered **House Amendment No. 1 to Part I.**

House Amendment No. 1

AMEND Part I of Senate Bill No. 1281, Page 1, Section 1, Line 6, by inserting immediately after the word “purposes” the following:

“provided that the transfer shall only be made if the general revenue fund cash balance falls below \$200 million and further provided that the amount transferred will be repaid with interest no later than December 31, 2003”.

Speaker Pro Tem Abel resumed the Chair.

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

On motion of Representative Green (73), **Part I of SB 1281, as amended**, was adopted by the following vote:

AYES: 091

Abel	Baker	Barnitz	Barry 100	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Campbell
Carnahan	Clayton	Copenhaver	Crump	Curls
Daus	Davis	Farnen	Foley	Franklin
Fraser	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelly 27	Kelly 36	Koller	Lawson
Legan	Liese	Lowe	Luetkenhaus	Mays 50
McKenna	Merideth	Monaco	Murphy	Myers
O'Connor	O'Toole	Overschmidt	Paone	Ransdall
Reid	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: 067

Ballard	Barnett	Bartle	Bearden	Behnen
Boatright	Burcham	Burton	Byrd	Champion
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Enz	Fares	Froelker
Gaskill	Griesheimer	Hanaway	Hartzler	Hegeman
Henderson	Hendrickson	Hohulin	Holand	Hoppe
Hunter	Jetton	Kelley 47	Kelly 144	King
Lograsso	Long	Luetkemeyer	Marble	May 149
Mayer	Miller	Moore	Naeger	Nordwald

Ostmann	Phillips	Portwood	Purgason	Quinn
Rector	Reinhart	Richardson	Ridgeway	Roark
Robirds	Ross	Schwab	Scott	Secrest
Shields	Shoemaker	St. Onge	Surface	Townley
Vogel	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Bartelsmeyer	Berkstresser	Linton	Marsh
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VACANCIES: 001

On motion of Representative Green (73), **Part II of SB 1281** was adopted by the following vote:

AYES: 132

Abel	Baker	Barnitz	Barry 100	Bearden
Behnen	Berkowitz	Black	Bland	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Clayton	Cooper	Copenhaver	Crawford
Crump	Cunningham	Curls	Daus	Davis
Dolan	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambara	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Liese	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Portwood	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Rizzo	Robirds	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 025

Ballard	Barnett	Bartle	Boatright	Champion
Cierpiot	Crowell	Dempsey	Gaskill	Henderson
Hendrickson	Hosmer	Hunter	Jetton	Kelly 144
Lograsso	Phillips	Purgason	Quinn	Rector
Ridgeway	Roark	Ross	Townley	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Bartelsmeyer

Berkstresser

Hohulin

Linton

Marsh

VACANCIES: 001

SB 1281, as amended, was laid over.

MESSAGES FROM THE SENATE

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 SBs 1086 & 1126**: Senators Quick, Stoll, Childers, Klindt and Bentley.

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 1202**: Senators Westfall, Russell, Cauthorn, Staples and Goode.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 18**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate third read and passed **HCR 25**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate Conferees be allowed to exceed the differences on **SCS HCS HB 1101 through SCS HCS HB 1112**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1121**, entitled:

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

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 recede from its position on **SS SCS HB 1712, as amended**, 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 re-appointed the following Conference Committee to act with a like committee from the House on **SS SCS HB 1712, as amended**: Senators Klarich, Gibbons, Kenney, Caskey and Schneider.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HB 1532**, entitled:

An act to repeal section 537.053, RSMo, relating to dram shop liability, 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 HB 2008**, entitled:

An act to repeal sections 301.550, 301.560, 301.600, 301.610, 301.620, 301.630, 301.640, 301.660, 301.661, 306.400, 306.405, 306.410, 306.420, 306.430, 306.440, 365.070, 365.120, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893, 454.516, 700.350, 700.355, 700.360, 700.365, 700.370, 700.380 and 700.390, RSMo, and to enact in lieu thereof twenty-seven new sections relating to motor vehicle dealers, with penalty provisions.

With Senate Amendment No. 2

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 1, Section A, Line 11, by inserting after all of said line the following:

“301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers, not to exceed six characters in length. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle other than a commercial motor vehicle licensed for more than twelve thousand pounds shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, [inflammatory or contrary to public policy] **patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found.** The director may recall any personalized license plates, including those issued prior to August 28, 1992, if the director determines that the plates are obscene, profane, [inflammatory or contrary to public policy] **patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of**

streets and highways, or of the public in any location where the vehicle with such a plate may be found. Where the director recalls such plates pursuant to the provisions of this subsection, the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established pursuant to this section. **The director shall not apply the provisions of this statute in a way that violates the Missouri or United States constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle license plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum.** Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

3. The director may also establish categories of special license plates from which license plates may be issued. Any such person, other than a person exempted from the additional fee pursuant to subsection 6 of this section, that desires a personalized special license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other personalized special license plates are issued.

4. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 6 of this section, personalized special license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant. The application shall be accompanied by an affidavit stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant.

5. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the fees presently required of a manufacturer, distributor, or dealer in subsection 1 of section 301.253. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the motor vehicle or trailer.

6. Notwithstanding any provision of law to the contrary, any person who has retired from any branch of the United States armed forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision of any such services shall be exempt from the additional fee required for personalized license plates issued pursuant to section 301.441. As used in this subsection, "retired" means having served twenty or more years in the appropriate branch of service and having received an honorable discharge."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1101**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1101 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1101.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1101.
3. That the attached Conference Committee Substitute for House Bill No. 1101 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Dennis Bonner
/s/ Rep. Denny Merideth
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1102**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1102.
3. That the attached Conference Committee Substitute for House Bill No. 1102 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Jim Kreider
/s/ Rep. Chuck Graham
/s/ Rep. Ken Legan
/s/ Rep. Charlie Shields

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1103**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1103 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1103.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1103.
3. That the attached Conference Committee Substitute for House Bill No. 1103 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Chuck Graham
/s/ Rep. Yvonne Wilson
/s/ Rep. Charlie Shields
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1104**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1104.
3. That the attached Conference Committee Substitute for House Bill No. 1104 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Dennis Bonner
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1105**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1105.
3. That the attached Conference Committee Substitute for House Bill No. 1105 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Yvonne Wilson
/s/ Rep. Dennis Bonner
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1106**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1106.
3. That the attached Conference Committee Substitute for House Bill No. 1106 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Yvonne Wilson
/s/ Rep. Bill Ransdall
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1107**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1107.
3. That the attached Conference Committee Substitute for House Bill No. 1107 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Yvonne Wilson
/s/ Rep. Bill Ransdall
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1108**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1108.
3. That the attached Conference Committee Substitute for House Bill No. 1108 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Yvonne Wilson
/s/ Rep. Glenda Kelly
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1109**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1109.
3. That the attached Conference Committee Substitute for House Bill No. 1109 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Glenda Kelly
/s/ Rep. Yvonne Wilson
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1110**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1110.
3. That the attached Conference Committee Substitute for House Bill No. 1110 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Vicky Riback Wilson
/s/ Rep. Marsha Campbell
/s/ Rep. Charlie Shields
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1111**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1111.
3. That the attached Conference Committee Substitute for House Bill No. 1111 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Charles “Quincy” Troupe
/s/ Rep. Marsha Campbell
/s/ Rep. Pat Naeger
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1112**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1112.
3. That the attached Conference Committee Substitute for House Bill No. 1112 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Larry Rohrbach
/s/ Sen. Morris Westfall
/s/ Sen. Wayne Goode
/s/ Sen. Harry Wiggins

FOR THE HOUSE:

/s/ Rep. Timothy P. Green
/s/ Rep. Dennis Bonner
/s/ Rep. Denny Merideth
/s/ Rep. Ken Legan
/s/ Rep. Carl Bearden

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 795**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 795;
2. That the Senate recede from its position on Senate Bill No. 795;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 795 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Schneider
/s/ Wayne Goode
/s/ David Klarich
/s/ Sarah Steelman
/s/ Michael Gibbons

FOR THE HOUSE:

/s/ Joe Treadway
/s/ Wes Shoemyer
/s/ Mark Hampton
/s/ Charles Portwood
/s/ Robert Behnen

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
SENATE BILL NO. 1220**

The Conference Committee appointed on House Substitute for Senate Bill No. 1220, with House Amendment Nos. 1 and 2 to Part II and House Amendment No. 1 to Part IV, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on the House Substitute for Senate Bill No. 1220, with House Amendment Nos. 1 and 2 to Part II and House Amendment No. 1 to Part IV;
2. That the Senate recede from its position on Senate Bill No. 1220;
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 1220 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Betty Sims
/s/ Bill Kenney
/s/ Pat Dougherty
/s/ Harry Wiggins
/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Jim O'Toole
/s/ Jim Foley
/s/ Wayne Crump
/s/ Mark Richardson

On motion of Representative Crump, the House recessed until 9:00 p.m.

EVENING SESSION

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

THIRD READING OF SENATE BILL - APPROPRIATIONS

SB 1281, as amended, relating to appropriations, was again taken up by Representative Green (73).

Representative Green (73) moved that **SB 1281, as amended**, be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 094

Abel	Baker	Barnitz	Barry 100	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Campbell
Carnahan	Clayton	Copenhaver	Crump	Curls
Daus	Davis	Fares	Farnen	Foley
Franklin	Fraser	Gambaro	George	Graham
Gratz	Green 15	Green 73	Hagan-Harrell	Hampton
Harding	Harlan	Haywood	Hickey	Hilgemann
Hollingsworth	Holt	Hoppe	Hosmer	Johnson 61
Johnson 90	Jolly	Jones	Kelly 27	Kelly 36
Koller	Lawson	Legan	Liese	Lowe
Luetkenhaus	Mays 50	McKenna	Merideth	Monaco
Murphy	O'Connor	O'Toole	Overschmidt	Paone
Ransdall	Reid	Relford	Reynolds	Rizzo
Scheve	Seigfreid	Selby	Shelton	Shields
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: 064

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

PRESENT: 000

ABSENT WITH LEAVE: 004

Bartelsmeyer	Berkstresser	Linton	Marsh
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VACANCIES: 001

Representative Monaco requested a verification of the roll call on the motion to third read and pass **SB 1281, as amended**.

COMMITTEE REPORTS

Committee on Agriculture, Chairman Berkowitz reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **SS SCS SBs 837, 866, 972 & 990**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Children, Families and Health, Chairman Barry reporting:

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SS SCS SBs 923, 828, 876, 694 & 736**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Local Government and Related Matters, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 1186**, 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 has taken up and passed **SS#2 SCS HB 1446**, entitled:

An act to repeal sections 33.103, 103.095, 194.220, 194.230, 354.085, 354.405, 354.603, 376.1209 and 376.1350, RSMo, and to enact in lieu thereof eighteen new sections relating to health insurance, with an effective date for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 18 and Senate Amendment No. 19

Senate Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Pages 38-41, Section 376.1575, Line 24, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.125, Line 8, by inserting immediately after the word “shall” the following: **“inform the patient that the patient has the right to a timely referral for a second opinion by an appropriate specialist within the provider network regarding the treatment of the patient’s type of cancer.”**.

Senate Amendment No. 3

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 25, Section 354.603, Line 2, by inserting after all of said line the following:

“354.606. 1. This act shall be known as the “Patient Freedom of Choice Act of 2002”.

[1.] **2.** A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

[2.] **3.** Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by including a provision substantially similar to the following:

“Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier’s enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person.”

[3.] **4.** Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier’s or intermediary’s insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee’s discharge from an inpatient facility, whichever time is greater.

[4.] **5.** The contract provisions satisfying the requirements of subsections [2 and] 3 **and 4** of this section shall:

- (1) Be construed in favor of the enrollee;
- (2) Survive the termination of the contract regardless of the reason for termination, including the insolvency of the health carrier; and
- (3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections 2 and 3 of this section.

[5.] **6.** In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider’s contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

[6.] **7. (1)** A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

- (a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization;

(c) Deny a health care professional the opportunity to become a participating provider if such health care professional satisfies all of the selection standards established by the health carrier as defined in section 376.1350, RSMo, and if the health care professional is willing to accept the plan's operating terms and conditions, its schedule of fees, covered expenses, utilization regulations and quality standards. This subdivision shall not apply to supplemental insurance policies, including life care contracts, accident-only policies, specified disease policies, hospital policies providing a fixed daily benefit only, Medicare supplement policies, long-term care policies, coverage issued as a supplement to liability insurance, short-term major medical policies of six months or less duration and other supplemental policies as determined by the department of insurance. This subdivision shall only apply to 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 and any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants; or

(d) Allow a health carrier, either directly or indirectly through intermediaries, to discriminate between healthcare providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses and when reimbursing amounts for covered services among persons duly licensed to provide such services.

(2) Paragraphs (a) [and], (b) **and (c)** of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.

(3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.

[7.] **8.** A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.

[8.] **9.** A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.

[9.] **10.** No contract between a health carrier and a provider for the delivery of health care service, entered into or renewed after August 28, 2001, shall require the mandatory use of a hospitalist. For purposes of this subsection, "hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating provider and who may return the care of the patient to that participating provider at the end of hospitalization.

[10.] **11.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.

[11.] **12.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.

[12.] **13.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.

[13.] **14.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.

[14.] **15.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.

[15.] **16.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.

[16.] **17.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.

[17.] **18.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.

[18.] **19.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[19.] **20.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[20.] **21.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or sections 354.600 to 354.636.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 12, Section 194.220, Line 5 of said page, by inserting after “gift” the following:

“The provisions in subsection 1 of section 194.220 relating to allowing a minor who is at least sixteen years of age to effectuate a gift for any purpose specified in section 194.230 through the driver license or instruction permit application process, shall be effective July 1, 2003.”

Senate Amendment No. 6

AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1446, Page 31, Section 376.1275, Line 13 of said page, by inserting immediately after the word “successors” the following:

“, the College of American Pathologists, or any other national accrediting body which has requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists”.

Senate Amendment No. 7

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 13, Section 194.230, Line 22, by inserting after all of said line the following:

“287.135. 1. The department of insurance shall establish a program whereby managed care organizations in this state shall be certified by the department for the provision of managed care services to employers who voluntarily choose to use such organizations. The department shall report to the division of workers' compensation all managed care organizations certified pursuant to the provisions of this section. The division shall maintain a registry of certified managed care organizations that can be readily accessed by employers for the provision of managed care services. For the purposes of this section, the term “managed care organizations” shall mean organizations such as preferred provider organizations, health maintenance organizations and other direct employer/provider arrangements which have been certified by the department designed to provide incentives to medical care providers to manage the cost and use of care associated with claims covered by workers' compensation insurance.

2. The director of the department of insurance shall promulgate rules which set out the approval criteria for certification of a managed care organization. Approval criteria shall take into consideration the adequacy of services that the organization will be able to offer the employer, the geographic area to be served, staff size and makeup of the organization in relation to both services offered and geographic location, access to health care providers, the adequacy of internal management and oversight, the adequacy of procedures for peer review, utilization review, and internal dispute resolution, including a method to resolve complaints by injured employees, medical providers, and insurers over the cost, necessity and appropriateness of medical services, the availability of case management services, and any other criteria as determined by the director. Thirty days prior to the annual anniversary of any current certification granted by the director, any managed care organization seeking continued certification shall file an application for recertification with the director, on a form approved by the director, accompanied by a filing fee established by the director by rule and any other materials specified by the director.

3. The director of the department of insurance shall promulgate rules which set out the criteria under which the fees charged by a managed care organization shall be reimbursed by an employer's workers' compensation insurer and which establish criteria providing for the coordination and integration between the managed care organization and the insurer of their respective internal operational systems relating to such matters as claim reporting and handling, medical case management procedures and billing. Such criteria shall require any such reimbursable fees to be reasonable in relation both to the managed care services provided and to the savings which result from those services. Such criteria shall discourage the use of fee arrangements which result in unjustified costs being billed for either medical services or managed care services. Insurers and managed care organizations shall be permitted to voluntarily negotiate and utilize alternative fee arrangements. Notwithstanding any provision of this subsection to the contrary, if an insurer and a managed care organization enter into a voluntary agreement that accomplishes the same purposes as this subsection, that insurer and that managed care organization with respect to that agreement shall not be required to meet the requirements of this subsection or regulations promulgated by the department pursuant to this subsection.

4. Any managed care organization, including any managed care organization that has been established or selected by or has contracted with a workers' compensation insurance carrier to provide managed care services to insured employers, that has previously been certified prior to August 28, 1993, by the director of the department of insurance shall be deemed to have met the criteria set forth in this section.

5. The necessity and appropriateness of medical care services recommended or provided by providers shall be subject to review by the division of workers' compensation, upon application, following a decision by the managed care organization's utilization review and dispute resolution review and appeal procedure. The decision of the managed care organization relating to payment for such medical care services shall be subject to modification by the division of workers' compensation, after mediation conference or hearing, only upon showing that it was unreasonable, arbitrary or capricious.

6. The provisions of this section shall terminate on December 31, 2003.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.1253, Line 7 of said page, by inserting before all of said line the following:

“376.1221. 1. Every health insurer and health benefit plan, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued or renewed after January 1, 2003, shall provide coverage for hearing aids that are prescribed, fitted, and dispensed by appropriately licenced professionals to dependent children through age nineteen covered under a policy, contract, or plan.

2. The hearing aids covered under this section shall:

(1) Be an electronic wearable device designed to aid or compensate for human hearing loss and any parts, attachments, or accessories, including earmolds;

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children; and

(3) Have multiple-band wide dynamic range compression and direct audio input compatibility.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years.

4. Hearing evaluations, hearing aids, prescriptions, fittings, and consumable supplies shall be reimbursed according to contracted fee schedule. A health insurer or health benefit plan subject to this section may limit the benefit payable for hearing aids to twelve hundred fifty dollars for each ear with a hearing loss. An insured or enrollee who selects a hearing aid that costs more than the benefit payable pursuant to this section may pay the difference between the price of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. The health care service required by this section shall not be subject to a deductible or co-payment that exceeds twenty percent of the actual covered service costs. No health insurer or health benefit plan subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 41, Section 376.1575, Line 11 of said page, by inserting after all of said line the following:

“376.1600. Any health carrier, as defined by section 376.1350, providing group health insurance plans or group health benefits to an employer having a group of twenty-five employees or more shall, upon request by the employer or the employer's agent of record, provide a statement of the annual claims history for each of the prior three years, or the total experience if the coverage has been in effect less than three years. The information shall be provided within thirty days of such request and shall include the total aggregate amount of claims paid and the total number of claims filed for each annual period. The information may be used by the employer or the employer's agent of record for the sole purpose of evaluating and marketing the group insurance program. The information provided to the employer or the employer's agent of record shall be furnished in a manner that does not individually identify an employee or an employee's family member and shall comply with all applicable federal and state privacy laws regarding the disclosure of health records.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 10, Section 103.095, Line 26, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.1209, Line 6, by inserting after all of said line the following:

“376.1219. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual and group health service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after September 1, 1997, shall provide coverage for formula and low protein modified food products recommended by a physician for the treatment of a patient with phenylketonuria or any inherited disease of amino and organic acids.

2. For purposes of this section, “low protein modified food products” means foods that are specifically

formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of any inherited metabolic disease. Low protein modified food products do not include foods that are naturally low in protein.

3. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.

[3.] 4. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, or any other supplemental policy as determined by the director of the department of insurance.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 38, Section 376.1450, Line 23 of said page, by inserting after all of said line the following:

“630.900. 1. The director of the department of mental health, in collaboration with the departments of social services, health and senior services, elementary and secondary education, higher education, and corrections, shall design, coordinate, and implement a state suicide prevention plan using an evidence-based public health approach focused on suicide prevention.

2. The director shall:

(1) Promote the use of employee assistance and workplace programs to support employees with depression and other psychiatric illnesses and substance abuse disorders, and refer them to services. In promoting such programs, the director shall collaborate with employer and professional associations, unions, and safety councils;

(2) Promote the use of student assistance and educational programs to support students with depression and other psychiatric illnesses and substance abuse disorders. In promoting such programs, the director shall collaborate with educators, administrators, students and parents with emphasis on identification of the risk factors associated with suicide;

(3) Provide training and technical assistance to local public health and other community-based professionals to provide for integrated implementation of best practices for preventing suicides;

(4) Coordinate with federal, state, and local agencies to collect, analyze, and annually issue a public report on Missouri-specific data on suicide and suicidal behaviors; and

(5) Conduct periodic evaluations of the impact and outcomes from implementation of the state's suicide prevention plan and each of the activities specified in this section. By July 1, 2004, and each July first of even-numbered years thereafter, the director shall report the results of such evaluations to the chairs of the senate aging, families, and mental health committee and the house children, families, and health committee.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 13, Section 194.230, Line 22, by inserting after all of said line the following:

“287.135. 1. The department of insurance shall establish a program whereby managed care organizations in this state shall be certified by the department for the provision of managed care services to employers who voluntarily choose to use such organizations. The department shall report to the division of workers' compensation all managed care organizations certified pursuant to the provisions of this section. The division shall maintain a registry of certified managed care organizations that can be readily accessed by employers for the provision of managed care services. For the purposes of this section, the term “managed care organizations” shall mean organizations such as preferred provider organizations, health maintenance organizations and other direct employer/provider arrangements which have been certified by the department designed to provide incentives to medical care providers to manage the cost and use of care associated with claims covered by workers' compensation insurance.

2. The director of the department of insurance shall promulgate rules which set out the approval criteria for certification of a managed care organization. Approval criteria shall take into consideration the adequacy of services that the organization will be able to offer the employer, the geographic area to be served, staff size and makeup of the organization in relation to both services offered and geographic location, access to health care providers, the adequacy of internal management and oversight, the adequacy of procedures for peer review, utilization review, and internal dispute resolution, including a method to resolve complaints by injured employees, medical providers, and insurers over the cost, necessity and appropriateness of medical services, the availability of case management services, and any other criteria as determined by the director. Thirty days prior to the annual anniversary of any current certification granted by the director, any managed care organization seeking continued certification shall file an application for recertification with the director, on a form approved by the director, accompanied by a filing fee established by the director by rule and any other materials specified by the director.

3. [The director of the department of insurance shall promulgate rules which set out the criteria under which] The fees charged by a managed care organization shall be reimbursed by an employer's workers' compensation insurer [and which]. **The director of the department of insurance shall establish criteria providing for the coordination and integration between the managed care organization and the insurer of their respective internal operational systems relating to such matters as claim reporting and handling, medical case management procedures and billing. Such criteria shall require any such reimbursable fees to be reasonable in relation both to the managed care services provided and to the savings which result from those services. Such criteria shall discourage the use of fee arrangements which result in unjustified costs being billed for either medical services or managed care services. Insurers and managed care organizations shall be permitted to voluntarily negotiate and utilize alternative fee arrangements. Notwithstanding any provision of this subsection to the contrary, if an insurer and a managed care organization enter into a voluntary agreement that accomplishes the same purposes as this subsection, that insurer and that managed care organization with respect to that agreement shall not be required to meet the requirements of this subsection or regulations promulgated by the department pursuant to this subsection. The fact that an insurer enters into a voluntary agreement with one or more managed care organizations shall not exempt such insurer from the requirements of this subsection or regulations promulgated thereto regarding other managed care organizations for which the insurer has no such voluntary agreements but with which employers insured by such insurer have contracted. The insurer shall comply with the requirements of this subsection and all regulations promulgated thereto, including requirements concerning the reimbursement of such organizations, in regards to such other managed care organizations.**

4. Any managed care organization, including any managed care organization that has been established or selected by or has contracted with a workers' compensation insurance carrier to provide managed care services to insured employers, that has previously been certified prior to August 28, 1993, by the director of the department of insurance shall be deemed to have met the criteria set forth in this section.

5. The necessity and appropriateness of medical care services recommended or provided by providers shall be subject to review by the division of workers' compensation, upon application, following a decision by the managed care organization's utilization review and dispute resolution review and appeal procedure. The decision of the managed care organization relating to payment for such medical care services shall be subject to modification by the division of workers' compensation, after mediation conference or hearing, only upon showing that it was unreasonable, arbitrary or capricious.

287.140. 1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, [he] **the employee** shall have the right to select his **or her** own physician, surgeon, or other such requirement at [his] **the employee's** own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee at the employee's expense, the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620, RSMo. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the place of injury or the place of [his] **the employee's** residence, the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured

employee's residence, place of injury or place of hire by the employer. The choice of provider within the location selected shall continue to be made by the employer. In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment. In addition to all other payments authorized or mandated under this subsection, when an employee who has returned to full-time employment is required to submit to a medical examination for the purpose of evaluating permanent disability, or to undergo physical rehabilitation, the employer or its insurer shall pay a proportionate weekly compensation benefit based on the provisions of section 287.180 for such wages that are lost due to time spent undergoing such medical examinations or physical rehabilitation, except that where the employee is undergoing physical rehabilitation, such proportionate weekly compensation benefit payment shall be limited to a time period of no more than twenty weeks. For purposes of this subsection only, "physical rehabilitation" shall mean the restoration of the seriously injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker. Determination as to what care and restoration constitutes physical rehabilitation shall be the sole province of the treating physician. Should the employer or its insurer contest the determination of the treating physician, then the director shall review the case at question and issue [his] a determination. Such determination by the director shall be appealable like any other finding of the director or the division. Serious injury includes, but is not limited to, quadriplegia, paraplegia, amputations of hand, arm, foot or leg, atrophy due to nerve injury or nonuse, and back injuries not amenable alone to recognized medical and surgical procedures.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute.

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or [his] **the employee's** dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation

or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for [his] injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, **network of providers**, or other health care provider, **including licensed registered nurses functioning as medical case managers**; provided, however, that such physicians, surgeons, **registered nurses**, or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of [his] **the provider's** partners or [his] **the provider's** employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

- (1) The patient;
- (2) The employer of the patient with workers' compensation liability for the injury or disease being treated;
- (3) The workers' compensation insurer of such employer; and
- (4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider selected by the employee at [his] **the employee's** own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

- (a) The name of the employer;
- (b) The name of the insurer, if known;
- (c) The name of the employee receiving the services;
- (d) The general nature of the injury, if known; and
- (e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.1209, Line 6, by inserting immediately after the section the following:

“376.1212. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, and providing for surgical benefits, shall provide coverage for a minimum of twenty-four hours of inpatient care following the completion of any surgical procedure, which takes three or more hours to complete, performed in a hospital as defined in section 197.020, RSMo, or any other health care facility licensed to provide post-surgical care pursuant to the provisions of chapter 197, RSMo; except that such inpatient care may be less than twenty-four hours if:

(1) The attending physician after consulting with the patient, or the patient's legal guardian, if the patient is a minor, agrees to such shorter inpatient care; and

(2) The entity providing the individual or group health insurance policy provides coverage for post-discharge care to the patient.

2. For the purposes of this section, "attending physician" shall include the surgeon who performed the surgery or the patient's primary care physician.

3. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description shall provide notice to policyholders, insured persons and participants regarding the coverage required by this section. Such notice shall be in writing and prominently positioned in the policy, certificate of coverage or summary plan description.

4. The health care service required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the policy, contract or plan.

5. No insurer may provide financial disincentives to, deselect, terminate the services of, require additional documentation from, require additional utilization review from, reduce payments to, or otherwise penalize the attending physician in retaliation solely for ordering care consistent with the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 18

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 11, Section 103.095, Line 24, by inserting after all of said line the following:

“192.975. 1. As used in this section, the following words and phrases shall mean:

(1) “Body mass index” or “BMI”, the relationship between weight and height used to assess health risk related to excess weight, based on a mathematical formula that is expressed as weight in kilograms divided by height in meters squared ($BMI = kg/m^2$) or weight in pounds divided by height in inches squared and multiplied by 703 ($BMI = lbs/in^2 \times 703$);

(2) “Department”, the department of health and senior services;

(3) “Dietary Guidelines for Americans”, the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;

(4) “Nutrition education”, a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating patterns;

(5) “Obesity”, a body mass index of more than $30kg/m^2$ among adults and among children or a body mass index greater than the ninety-fifth percentile for age and sex in six to ten year olds;

(6) “Overweight”, a body mass index between 25kg/m² and 29.9kg/m² among adults and children or a body mass index greater than the eighty-fifth percentile but less than the ninety-fifth percentile;

2. There is hereby created the “Missouri Commission on Prevention and Management of Obesity” within the department of health and senior services to be in existence within sixty days of the effective date of this section until August 28, 2004.

3. The functions and duties of the commission shall include, but not be limited to, the following:

(1) Collecting and analyzing data regarding the extent to which children and adults in Missouri suffer from obesity, including data already available to the department of health and senior services, the division of medical services and, where feasible, the data available to commercial insurers;

(2) Listing programs and services currently available to address the health, mental health, and social services needs of overweight children and adults;

(3) Listing funds dedicated within the state through commercial and self insurers, medicaid, and other federal and state funds to maintain such programs and services;

(4) Collecting and analyzing data to demonstrate the economic impact on the state of failure to treat obesity;

(5) Identifying cultural, environmental, and socioeconomic barriers to the prevention and management of obesity;

(6) Identifying specific recommendations that the state must implement to increase obesity prevention and management in children and adults and providing the estimated cost of implementing those recommendations.

4. The commission shall coordinate with the United States Department of Agriculture, the United States Department of Health and Human Services, including the Health Resources and Services Administration, the Centers for Medicaid and Medicare Services, and the Centers for Disease Control and Prevention, the Missouri department of elementary and secondary education, the Missouri department of social services, and the Missouri department of mental health to share resources and information in order to ensure a comprehensive approach to the prevention and treatment of obesity and obesity-related conditions.

5. The commission shall submit a report, including proposed legislation if necessary, to the governor and to the house budget committee and the senate appropriations committee, no later than August 28, 2004. The report shall include information about the economic burden of obesity, available programs and services, and the barriers to such programs and services.

6. The commission shall be composed of at a minimum, the following twenty-two members with consideration given to equal representation by ethnic groups and by geographic area:

(1) The director of the department of health and senior services;

(2) The commissioner of the department of elementary and secondary education;

(3) The director of the department of mental health;

(4) The director of the department of social services;

(5) The director of the department of insurance;

(6) The director of the department of higher education;

(7) A member of the house of representatives as appointed by the speaker of the house of representatives;

(8) A member of the senate as appointed by the president pro tem of the senate;

(9) Two public members, to be appointed by the director of the department of health and senior services;

(10) A representative of the Missouri State Medical Association;

(11) A representative of the Missouri Chapter of the American Academy of Pediatrics;

(12) A representative of the Missouri Nurses Association;

(13) Two persons from the University of Missouri-Columbia with professional knowledge and experience from the fields of medicine, nursing, or dietetics or nutrition sciences, jointly appointed by the deans of the University of Missouri Sinclair School of Nursing, the School of Medicine, and the College of Human and Environmental Sciences;

(14) A representative of the Missouri Dietetic Association;

(15) A representative of the Missouri Restaurant Association;

(16) A representative of the Food Processors' Association;

(17) A representative of the Food Manufacturers' Association;

(18) A representative of the School Food Service Association;

(19) A Missouri representative of the Association of American Medical Colleges; and

(20) A Missouri representative of the American Heart Association.

7. The commission shall have its first meeting no later than October 1, 2002. The director of the department of health and senior services shall serve as chair of the commission. The department shall establish the procedures necessary for the organization and operation of the commission. The commission shall meet and conduct business at least quarterly. Meetings of the commission shall comply with sections 610.010 to 610.030, RSMo.

8. Members of the commission shall receive no compensation.

9. The department shall establish and maintain a resource databank containing information about obesity and obesity-related subjects. Such databank shall be:

(1) Available to educational and research institutions, physicians, hospitals, policy makers, and members of the general public;

(2) Accessible through the department's web site and through printed materials. The department may assess reasonable charges for duplication or sale of materials; and

(3) Implemented by January 1, 2003.

10. The department of health and senior services shall provide technical assistance to schools and school districts to create healthy school nutrition environments. For purposes of this subsection, a healthy school nutrition environment shall be defined as one in which nutrition and physical activity are taught and supported in the classroom, the dining room, and throughout the school to provide positive messages that help students develop healthy eating and physical activity habits. A healthy school nutrition environment shall include:

(1) A commitment to nutrition and physical activity;

(2) Quality school meals that contain the required nourishment to foster learning and growth based upon the United States Department of Agriculture Dietary Guidelines for Americans;

(3) Other healthy food options that include sales of foods and beverages that are based on nutrition goals, not profit-making;

(4) Pleasant eating experiences so that children can relax, eat and socialize without feeling rushed;

(5) Nutrition education to build nutrition knowledge and skills into the curriculum to help children make healthy eating and physical activity choices; and

(6) Marketing to motivate parents, teachers, administrators, and the community to work towards a healthy school nutrition environment.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 19

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 28, Section 376.429, Line 3, by inserting after said line the following:

“9. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.”.

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 1953**, entitled:

An act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 192.1078, 192.1080, 197.272, 197.450, 660.620, 660.625 and 701.302, RSMo, relating to various advisory offices of the department of health and senior services, and to enact in lieu thereof ten new sections relating to the same subject.

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

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 1953, Page 8, Section 197.450, Line 33, of said page, by inserting immediately after said line the following:

“344.060. 1. The director of the department of [social services] **health and senior services** shall appoint ten suitable persons who together with the director of the division of aging of the department of [social] **health and senior services** shall constitute the “Missouri Board of Nursing Home Administrators” which is hereby created **within the department of health and senior services** and which shall have the functions, powers and duties prescribed by sections 344.010 to 344.100.

2. In addition to the director of the division of aging or his designee the membership of the board shall consist of one licensed physician, two licensed health professionals, one person from the field of health care education, four persons who have been in general administrative charge of a licensed nursing home for a period of at least five years immediately preceding their appointment, and two public members. The public members shall be persons who are not, or never were, licensed nursing home administrators or the spouse of such persons, or persons who do not have or never have had a material, financial interest in either the providing of licensed nursing home services or in an activity or organization directly related to licensed nursing home administration. Neither the one licensed physician, the two licensed health professionals, nor the person from the health care education field shall have any financial interest in a licensed nursing home.

3. The members of the board shall be appointed for three-year terms or until their successors are appointed and qualified provided that no more than four members' terms shall expire in the same year. All members appointed prior to September 28, 1979, shall serve the term for which they were appointed. The governor shall fill any vacancies on the board [from a list of five names submitted by the director of the department of social services] **as necessary**. Appointment to fill an unexpired term shall not be considered an appointment for a full term. Board membership, continued until successors are appointed and qualified, shall not constitute an extension of the three-year term and the successors shall serve only the remainder of the term.

4. [To] Every member [appointed by the director of the department of social services, there] shall [be issued] **receive** a certificate of appointment; and every appointee, before entering upon his **or her** duties, shall take the oath of office required by article VII, section 11, of the Constitution of Missouri.

5. Any member of the board may be removed by the director of the department of [social services] **health and senior services** for misconduct, incompetency or neglect to duty after first being given an opportunity to be heard in his own behalf.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 2, by deleting the numbers “**192.1078, 192.1080**” from said line; and further amend Pages 5-6, Sections 192.1078 and 192.1080 by deleting said sections; and further amend Section A, Lines 4, by deleting the numerals “192.1078, 192.1080”.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

May 9, 2002

Chief Clerk Ted Wedel
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Re: House Journal of May 9, 2002

Dear Chief Clerk:

This letter is to request that today's House Journal note the time of adjournment of 10:10 p.m.

Respectfully,

/s/ Kate Hollingsworth
State Representative

ADJOURNMENT

Representative Crump moved that the House stand adjourned until 8:30 a.m., Friday, May 10, 2002.

Which motion was adopted by the following vote:

AYES: 084

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Copenhaver	Crump	Curls	Daus
Davis	Farnen	Foley	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	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	Villa	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 071

Ballard	Barnett	Bartle	Bearden	Behnen
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	Long	Luetkemeyer	Marble
May 149	Mayer	Miller	Moore	Murphy
Myers	Naeger	Nordwald	Ostmann	Phillips
Portwood	Purgason	Quinn	Rector	Reid
Reinhart	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Shields
Shoemaker	St. Onge	Surface	Townley	Vogel
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer
Marsh

Berkstresser
Van Zandt

Franklin

Lawson

Linton

VACANCIES: 001

Representative Abel requested a verification of the roll call on the motion to adjourn.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-seventh Day, Wednesday, May 8, 2002, pages 1730 and 1731, roll call, by showing Representatives Boatright, Carnahan, Cooper, Enz, Froelker, Reinhart and Robirds voting "aye" rather than "absent with leave".

Pages 1730 and 1731, roll call, by showing Representative Crowell voting "present" rather than "absent with leave".

Pages 1732 and 1733, roll call, by showing Representative Carnahan voting "aye" rather than "absent with leave".

Pages 1734 and 1735, roll call, by showing Representatives Boykins and Dolan voting "aye" rather than "absent with leave".

Pages 1735 and 1736, roll call, by showing Representatives Boykins, Sanders Brooks, Campbell, Miller and Myers voting "aye" rather than "absent with leave".

Pages 1737 and 1738, roll call, by showing Representative Hunter voting "aye" rather than "absent with leave".

Pages 1737 and 1738, roll call, by showing Representative Boucher voting "no" rather than "absent with leave".

Page 1744, roll call, by showing Representatives Crawford and Kelly (144) voting "aye" rather than "absent with leave".

Pages 1753 and 1754, roll call, by showing Representatives Carnahan and Shields voting "aye" rather than "absent with leave".

Pages 1753 and 1754, roll call, by showing Representative Boykins voting "no" rather than "absent with leave".

Pages 1768 and 1769, roll call, by showing Representatives Boykins, Shields and Wright voting "aye" rather than "absent with leave".

Pages 1768 and 1769, roll call, by showing Representatives Sanders Brooks and Fraser voting "no" rather than "absent with leave".

Page 1771, roll call, by showing Representatives Campbell and Copenhaver voting "no" rather than "absent with leave".

Pages 1772 and 1773, roll call, by showing Representative Shields voting "aye" rather than "absent with leave".

Pages 1772 and 1773, roll call, by showing Representatives Boykins and Campbell voting "no" rather than "absent with leave".

Page 1774, roll call, by showing Representative Copenhaver voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

MISCELLANEOUS BILLS AND RESOLUTIONS

Friday, May 10, 2002, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SJR 24

PROFESSIONAL REGISTRATION AND LICENSING

Friday, May 10, 2002, 12:30 p.m. Hearing Room 5 upon morning recess or time mentioned.

Executive Session. AMENDED NOTICE.

Public Hearing to be held on: SB 739

SUBCOMMITTEE ON LEGISLATIVE RESEARCH & OVERSIGHT

Friday, May 10, 2002. Senate Committee Room 2 upon adjournment

Challenge fiscal note: SCS HB 1041.

HOUSE CALENDAR

SIXTY-NINTH DAY, FRIDAY, MAY 10, 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 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.(Yeckel) - Seigfreid
- 2 SCS SB 915, 710 & 907, (Westfall) - Koller
- 3 HCS SCS SB 894, 975 & 927, E.C. (Kinder) (Fiscal Review 5-6-02) - O'Toole
- 4 HCS SB 856, (Russell) (Fiscal Review 5-6-02) - Rizzo
- 5 HCS SS SCS SB 670 & 684, (Sims) (Fiscal Review 5-8-02) - Harlan
- 6 HCS SB 1039, (DePasco) - Curls
- 7 HCS SCS SB 1061 & 1062, (Rohrbach) - Harlan
- 8 HCS SCS SB 722, (Bentley) - Relford
- 9 SB 1143, (Jacob) - Monaco
- 10 SB 859, (Russell) - Ransdall
- 11 HCS SCS SB 680, E.C. (Bland) - Barry
- 12 HCS SB 718, (House) - Berkowitz
- 13 SCS SB 1266, (Kenney) - Hoppe
- 14 SB 1011, (Caskey) - Monaco
- 15 HCS SCS SB 892, (Kenney) - O'Connor
- 16 HCS SS SCS SB 931, (Klarich) - Monaco
- 17 HCS SS SCS SB 837, 866, 972 & 990, (Cauthorn) - Berkowitz
- 18 HCS SB 1186, (Kenney) - Hoppe
- 19 HCS SS SCS SB 923, 828, 876, 694 & 736, E.C.(Sims) - Barry

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 SCS HB 1811 - Gambaro
- 3 SCS HB 1093,1094,1159,1204,1242,1272,1391,1397,1411,1624,
1632,1714,1755,1778,1779,1852,1862,2025 & 2123, as amended - Relford
- 4 SS SCS HCS HB 1443 - Barry
- 5 SCS HB 1121 - Green (73)
- 6 SS SCS HB 2008, as amended - O'Connor
- 7 SCS HS HCS HB 1532 - Hoppe
- 8 SS#2 SCS HB 1446, as amended - Luetkenhaus
- 9 SS SCS HB 1953, as amended - VanZandt

BILLS IN CONFERENCE

- 1 CCR SCS HCS HB 1101 - Green (73)
- 2 CCR SCS HCS HB 1102, as amended - Graham
- 3 CCR SCS HCS HB 1103, as amended - Graham
- 4 CCR SCS HCS HB 1104, as amended - Bray
- 5 CCR SCS HCS HB 1105 - Bonner
- 6 CCR SCS HCS HB 1106 - Ransdall
- 7 CCR SCS HCS HB 1107, as amended - Ransdall
- 8 CCR SCS HCS HB 1108 - Kelly (27)
- 9 CCR SCS HCS HB 1109 - Kelly (27)
- 10 CCR SCS HCS HB 1110 - Riback Wilson (25)
- 11 CCR SCS HCS HB 1111, as amended - Troupe
- 12 CCR 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 CCR HCS SB 795 - Treadway
- 17 HCS SCS SB 1086 & 1126 - Hoppe
- 18 SCS HB 1313 - Burton
- 19 CCR HS SB 1220, as amended - O'Toole
- 20 HCS SCS SB 1202, E.C. - Koller
- 21 SS SCS HB 1712, as amended - Monaco