

# JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

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SEVENTIETH DAY, MONDAY, MAY 13, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

Heavenly Father, thanks for getting us through some of the thorniest of issues. But our representatives have distances to travel in this short week. Guide their trails in directions toward progress, fill their intellects with all needed information, fortify their hearts with courage and determination, that dialogue and decision be made with telltale signs of Your wise presence. Amen.

The Pledge of Allegiance to the flag was recited.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1962

through

House Resolution No. 1965 - Representative Kreider

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 73** and **SCR 75** were read the second time.

## BILLS CARRYING REQUEST MESSAGES

**HS HCS SCS SB 810, as amended**, relating to the Utilicare Program, was taken up by Representative Ladd Baker.

Representative Ladd Baker moved that the House refuse to recede from its position on **HS HCS SCS SB 810, as amended**, grant the Senate a conference and the House conferees be allowed to exceed the differences for the purpose of dealing with the spend down issue.

Which motion was adopted.

**HS HCS SB 895, as amended**, relating to banking regulations, was taken up by Representative Liese.

Representative Liese moved that the House refuse to recede from its position on **HS HCS SB 895, as amended**, and grant the Senate a conference.

Which motion was adopted.

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

Representative O'Toole moved that the House refuse to recede from its position on **HS HCS SCS SB 712, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **BILL IN CONFERENCE**

**HCS SB 758**, relating to sex offender registration, was taken up by Representative Hosmer.

Representative Hosmer moved that the House conferees be allowed to exceed the differences on **HCS SB 758**.

Which motion was adopted.

### **HOUSE BILL WITH SENATE AMENDMENT**

**SS HB 2023**, relating to special education resolution conferences, was taken up by Representative Franklin.

On motion of Representative Franklin, **SS HB 2023** was adopted by the following vote:

AYES: 151

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Boatright	Bonner
Boucher	Boykins	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	George	Graham	Gratz
Green 15	Griesheimer	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Legan	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth

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

NOES: 001

Byrd

PRESENT: 000

ABSENT WITH LEAVE: 010

Bland	Gaskill	Green 73	Hagan-Harrell	Hohulin
Lawson	Nordwald	Ridgeway	Troupe	Williams

VACANCIES: 001

On motion of Representative Franklin, **SS HB 2023** was truly agreed to and finally passed by the following vote:

AYES: 146

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

## 1949 *Journal of the House*

St. Onge	Surface	Thompson	Townley	Treadway
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Willoughby	Wilson 25	Wright
Mr. Speaker				

NOES: 001

Byrd

PRESENT: 000

ABSENT WITH LEAVE: 015

Bland	Gaskill	Green 73	Hagan-Harrell	Hickey
Hohulin	Lawson	Monaco	Nordwald	Reid
Ridgeway	Troupe	Van Zandt	Williams	Wilson 42

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

### MOTION

Representative Foley moved that Rule 26 be suspended to allow the members of the House Conference Committee on **HS HCS SS SB 1248, as amended**, to meet while the House is in session.

Which motion was defeated by the following vote:

AYES: 081

Abel	Barnitz	Barry 100	Berkowitz	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Campbell	Carnahan	Clayton	Copenhaver	Crump
Curls	Daus	Davis	Farnen	Foley
Franklin	Fraser	Gambaro	George	Graham
Green 15	Griesheimer	Hampton	Harding	Hartzler
Haywood	Hickey	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelly 27	Kelly 36	Koller	Liese
Long	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	Murphy	O'Connor	O'Toole
Overschmidt	Paone	Ransdall	Reid	Relford
Reynolds	Rizzo	Scheve	Seigfreid	Selby
Shelton	Shoemyer	Skaggs	Smith	Thompson
Treadway	Van Zandt	Villa	Wagner	Walker
Ward	Whorton	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 066

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Fares	Froelker	Hanaway	Hegeman

Henderson	Hendrickson	Hilgemann	Hunter	Jetton
Kelley 47	Kelly 144	King	Legan	Linton
Lograsso	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Moore	Myers	Naeger
Ostmann	Phillips	Portwood	Purgason	Quinn
Rector	Reinhart	Richardson	Roark	Robirds
Ross	Schwab	Scott	Secrest	Shields
Shoemaker	St. Onge	Surface	Townley	Vogel
Wright				

PRESENT: 003

Boykins	Gratz	Walton
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ABSENT WITH LEAVE: 012

Baker	Bland	Gaskill	Green 73	Hagan-Harrell
Harlan	Hohulin	Lawson	Nordwald	Ridgeway
Troupe	Williams			

VACANCIES: 001

## HOUSE BILL WITH SENATE AMENDMENT

**SCS HS HCS HB 1532**, relating to intoxication torts, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **SCS HS HCS HB 1532** was adopted by the following vote:

AYES: 140

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

## 1951 *Journal of the House*

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

NOES: 002

Jolly	Rizzo
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PRESENT: 001

Brooks

ABSENT WITH LEAVE: 019

Baker	Black	Bland	Foley	Franklin
Gaskill	Green 73	Hagan-Harrell	Harlan	Hickey
Hohulin	Lawson	Legan	Myers	Nordwald
O'Connor	Richardson	Ridgeway	Troupe	

VACANCIES: 001

On motion of Representative Hoppe, **SCS HS HCS HB 1532** was truly agreed to and finally passed by the following vote:

AYES: 142

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

NOES: 002

Jolly Rizzo

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 017

Baker	Black	Bland	Foley	Franklin
Gaskill	Green 73	Hagan-Harrell	Harlan	Hohulin
Lawson	Nordwald	O'Toole	Richardson	Ridgeway
Secrest	Troupe			

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

Representative Villa assumed the Chair.

#### ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCR 30**, relating to universal design of new homes, was taken up by Representative Boucher.

Representative Boucher moved that **HCR 30** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 064

Abel	Baker	Barry 100	Berkowitz	Boucher
Bray 84	Britt	Brooks	Campbell	Carnahan
Copenhaver	Crump	Curls	Davis	Farnen
Foley	Franklin	Fraser	George	Graham
Green 15	Green 73	Hampton	Harding	Harlan
Haywood	Hollingsworth	Hoppe	Hosmer	Johnson 90
Jolly	Jones	Kelly 27	Kelly 36	Koller
Liese	Lowe	Mays 50	Monaco	Moore
O'Toole	Ransdall	Reid	Relford	Rizzo
Scheve	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	Thompson	Treadway	Van Zandt
Villa	Walker	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 056

Barnett	Barnitz	Bartle	Bearden	Behnen
Berkstresser	Black	Boatright	Burton	Byrd
Champion	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Daus	Dempsey	Fares	Griesheimer
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Holt	Hunter	Kelley 47	Legan	Linton
Lograsso	Long	Luetkemeyer	May 149	Mayer
Merideth	Miller	Myers	Ostmann	Phillips

## 1953 *Journal of the House*

Portwood	Purgason	Quinn	Rector	Reinhart
Roark	Robirds	Ross	Schwab	Scott
Secrest	Shields	St. Onge	Surface	Townley
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 042

Ballard	Bartelsmeyer	Bland	Bonner	Bowman
Boykins	Burcham	Clayton	Dolan	Enz
Froelker	Gambaro	Gaskill	Gratz	Hagan-Harrell
Hickey	Hilgemann	Hohulin	Holand	Jetton
Johnson 61	Kelly 144	King	Lawson	Luetkenhaus
Marble	Marsh	McKenna	Murphy	Naeger
Nordwald	O'Connor	Overschmidt	Paone	Reynolds
Richardson	Ridgeway	Shoemaker	Troupe	Vogel
Wagner	Walton			

VACANCIES: 001

Representative Boucher requested a verification of the roll call on the motion to third read and pass **HCR 30**.

On motion of Representative Crump, the House recessed until 1:45 p.m.

### **AFTERNOON SESSION**

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kyle Tamashiro, Tyler Marble and Jordan Marble.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1966  
and

House Resolution No. 1967 - Representative Holt  
House Resolution No. 1968 - Representative Johnson (61)  
House Resolution No. 1969 - Representative Troupe

House Resolution No. 1970  
through

House Resolution No. 1974 - Representatives Riback Wilson (25), Harlan and Graham  
House Resolution No. 1975 - Representatives Champion and Roark  
House Resolution No. 1976 - Representatives Holand and Roark  
House Resolution No. 1977 - Representative Roark  
House Resolution No. 1978 - Representative Crowell  
House Resolution No. 1979 - Representative Hegeman  
House Resolution No. 1980 - Representative Walker  
House Resolution No. 1981 - Representative Kelly (36)



House Resolution No. 1982 - Representative Relford  
 House Resolution No. 1983 - Representative Shoemyer (9)  
 House Resolution No. 1984 - Representative Gratz  
 House Resolution No. 1985  
 and  
 House Resolution No. 1986 - Representative Naeger

### HOUSE BILL WITH SENATE AMENDMENTS

**HB 1926, with Senate Amendment No. 1, Senate Amendment No. 3 and Senate Amendment No. 4**, relating to children's health insurance program, was taken up by Representative Fraser.

On motion of Representative Fraser, the House concurred in **Senate Amendment No. 1, Senate Amendment No. 3 and Senate Amendment No. 4** by the following vote:

AYES: 123

Abel	Baker	Barnett	Barnitz	Barry 100
Behnen	Berkowitz	Berkstresser	Black	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Burton	Campbell	Carnahan	Champion	Clayton
Copenhaver	Crump	Curls	Daus	Davis
Dolan	Enz	Fares	Farnen	Foley
Fraser	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 27	Kelly 36
King	Koller	Lawson	Legan	Liese
Long	Lowe	Luetkenhaus	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Myers	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Portwood	Quinn
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Rizzo	Ross	Scheve	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: 035

Ballard	Bartelsmeyer	Bartle	Bearden	Boatright
Burcham	Byrd	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Froelker	Griesheimer
Hegeman	Henderson	Hendrickson	Hohulin	Hunter
Kelly 144	Linton	Lograsso	Luetkemeyer	Marble
Naeger	Nordwald	Phillips	Purgason	Rector
Ridgeway	Roark	Robirds	Schwab	Scott

1955 *Journal of the House*

PRESENT: 000

ABSENT WITH LEAVE: 004

Bland Brooks Franklin Murphy

VACANCIES: 001

On motion of Representative Fraser, **HB 1926, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 121

Abel	Baker	Barnett	Barnitz	Barry 100
Behnen	Berkowitz	Berkstresser	Black	Bonner
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Byrd	Campbell	Carnahan	Champion
Clayton	Copenhaver	Crump	Curls	Daus
Davis	Dolan	Enz	Fares	Farnen
Foley	Fraser	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 27
Kelly 36	King	Koller	Lawson	Liese
Long	Lowe	Luetkemeyer	Luetkenhaus	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Moore	Murphy	Myers	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Portwood	Quinn
Ransdall	Reid	Relford	Reynolds	Rizzo
Ross	Scheve	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: 036

Ballard	Bartelsmeyer	Bartle	Bearden	Boatright
Burcham	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Dempsey	Froelker	Griesheimer	Henderson
Hendrickson	Hohulin	Hunter	Kelly 144	Legan
Linton	Lograsso	Marble	Miller	Naeger
Nordwald	Phillips	Purgason	Rector	Reinhart
Richardson	Ridgeway	Roark	Robirds	Schwab
Scott				

PRESENT: 000

ABSENT WITH LEAVE: 005

Bland Boucher Franklin Holand Monaco

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 127

Abel	Baker	Barnett	Barnitz	Barry 100
Behnen	Berkowitz	Berkstresser	Black	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burton	Byrd	Campbell	Carnahan
Champion	Clayton	Copenhaver	Crump	Curls
Daus	Davis	Dempsey	Dolan	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	King	Koller
Lawson	Legan	Liese	Long	Lowe
Luetkemeyer	Luetkenhaus	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Paone	Portwood
Quinn	Ransdall	Reid	Relford	Reynolds
Rizzo	Ross	Scheve	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: 031

Ballard	Bartelsmeyer	Bartle	Bearden	Boatright
Burcham	Cooper	Crawford	Crowell	Cunningham
Griesheimer	Hanaway	Henderson	Hendrickson	Hohulin
Hunter	Kelly 144	Linton	Lograsso	Marble
Miller	Phillips	Purgason	Rector	Reinhart
Richardson	Ridgeway	Roark	Robirds	Schwab
Scott				

PRESENT: 000

ABSENT WITH LEAVE: 004

Bland	Cierpiot	Enz	Hickey
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VACANCIES: 001

## ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCR 40**, relating to the Joint Interim Committee on After-School Programs, was taken up by Representative Walton.

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

*House Amendment No. 1*

AMEND House Concurrent Resolution No. 40, Page 2, 3<sup>rd</sup> “be it resolved” clause, by inserting after the words “sustainability” in the last line of said clause the following:

**“and make recommendations concerning the effect of financial incentives for summer school included in the school funding formula, for their continuance, changes, or elimination.”.**

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

On motion of Representative Walton, **HCR 40, as amended**, was read the third time and passed by the following vote:

AYES: 127

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bearden	Behnen	Berkstresser	Black	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
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Hanaway
Harding	Haywood	Hegeman	Henderson	Hendrickson
Hilgemann	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	King	Koller
Lawson	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Monaco	Moore	Murphy	Myers
Naeger	O'Toole	Ostmann	Overschmidt	Paone
Portwood	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Rizzo	Ross
Scheve	Schwab	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Thompson	Treadway	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 021

Ballard	Bartle	Boatright	Froelker	Griesheimer
Kelly 144	Legan	Linton	Lograsso	Long
Miller	Nordwald	Phillips	Purgason	Richardson
Ridgeway	Roark	Robirds	Scott	Surface
Townley				

PRESENT: 000

ABSENT WITH LEAVE: 014

Baker	Berkowitz	Bland	Franklin	Harlan
Hartzler	Hickey	Hohulin	Holand	Jetton
Liese	O'Connor	Troupe	Van Zandt	

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

### THIRD READING OF SENATE BILL

**HS SCS SBs 915, 710 & 907, as amended**, relating to transportation funding, was taken up by Representative Koller.

On motion of Representative Koller, **HS SCS SBs 915, 710 & 907, as amended**, was read the third time and passed by the following vote:

AYES: 100

Abel	Baker	Barnett	Barnitz	Barry 100
Berkowitz	Black	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Byrd
Campbell	Carnahan	Champion	Clayton	Copenhaver
Crump	Cunningham	Curls	Daus	Davis
Dempsey	Dolan	Fares	Farnen	Foley
Franklin	Fraser	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Hagan-Harrell
Harding	Harlan	Hartzler	Haywood	Hickey
Hilgemann	Hollingsworth	Hosmer	Johnson 61	Johnson 90
Jolly	Jones	Kelly 27	King	Koller
Lawson	Legan	Liese	Lowe	Luetkenhaus
Mays 50	McKenna	Merideth	Monaco	Myers
Naeger	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Ransdall	Relford	Reynolds	Richardson
Rizzo	Robirds	Scheve	Seigfreid	Shelton
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Thompson	Treadway	Troupe	Van Zandt	Villa
Wagner	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 059

Ballard	Bartelsmeyer	Bartle	Bearden	Behnen
Berkstresser	Boatright	Burcham	Burton	Cierpiot
Cooper	Crawford	Crowell	Enz	Froelker
Griesheimer	Hampton	Hanaway	Hegeman	Henderson
Hendrickson	Hohulin	Holand	Holt	Hoppe
Hunter	Jetton	Kelley 47	Kelly 144	Kelly 36
Linton	Lograsso	Long	Luetkemeyer	Marble
Marsh	May 149	Mayer	Miller	Moore
Nordwald	Phillips	Portwood	Purgason	Quinn
Rector	Reinhart	Ridgeway	Roark	Ross
Schwab	Scott	Secrest	Selby	Shields
Surface	Townley	Vogel	Wright	

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PRESENT: 000

ABSENT WITH LEAVE: 003

Bland

Murphy

Reid

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**HS HCS SCS SB 712:** Representatives O'Toole, Hosmer, Johnson (61), Ballard and Phillips

**HS HCS SCS SB 810:** Representatives Ladd Baker, Harlan, Graham, Portwood and Holand

**HS HCS SB 895:** Representatives Liese, Monaco, Ward, Luetkemeyer and Wright

**HCS SCS SBs 1086 & 1126:** Representatives Hoppe, Wagner, McKenna, Lograsso and Dolan

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1402**, entitled:

An act to repeal section 392.410, RSMo, and to enact in lieu thereof two new sections relating to the rights of a political subdivision to use their telecommunications services or facilities.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7 and Senate Amendment No. 9

#### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 1402, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

**“Section 1. Notwithstanding any provisions of law to the contrary, any utility unit, as defined in Title IV of the federal Clean Air Act, 42 U.S.C. Section 7851a, that uses coal-fired cyclone boilers which also burn tire derived fuel shall limit emissions of oxides of nitrogen to a rate no greater than eighty percent of the emission limit for cyclone-fired boilers in Title IV of the federal Clean Air Act and implementing regulations in 40 CFR Part 76, as amended. The provisions of this section shall expire on April 30, 2004, or upon the effective date of a revision to 10 CSR 10-6.350, whichever later occurs. The director of the department of natural resources shall notify the revisor of statutes of the effective date of a revision to 10 CSR 10-6.350.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 1402, Page 1, In the Title, Line 4, by inserting immediately after the word “facilities” the following: “, with an expiration date”; and

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

“Section B. The provisions of this act shall expire August 28, 2007.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 1, by inserting immediately after the numeral “71.970” the following: “1.”; and

Further amend Line 8 by inserting after all of said line the following:

**“2. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year.”; and**

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

**“8. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year.”.**

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Bill No. 1402, Page 1, In the Title, Lines 3-4, by striking said lines and inserting in lieu thereof the following: “relating to utility projects, with an emergency clause for certain sections.”; and

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

**“393.310. 1. This section shall only apply to gas corporations as defined in section 386.020, RSMo. This section shall not affect any existing laws and shall only apply to the program established pursuant to this section.**

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

**(1) “Aggregate”, the combination of natural gas requirements of eligible school entities on a Missouri gas corporation's delivery system and by interstate pipelines for the purpose of jointly purchasing natural gas supply;**

**(2) “Bundled charge”, the total price paid by the eligible school entity for natural gas as delivered into the distribution system;**

**(3) “Commission”, the Missouri public service commission;**

**(4) “Delivery system”, the natural gas distribution and transmission lines which are owned by a Missouri gas corporation and charges for use of them are regulated by the commission;**

**(5) “Earnings neutrality”, setting the aggregation charge so that the revenues generated by the aggregation charge equal, as nearly as possible, the incremental costs caused by the experimental aggregation program;**

**(6) “Eligible school entity”, shall include any seven-director, urban or metropolitan school district as defined pursuant to section 160.011, RSMo, and shall also include, one year after the effective date of this section and thereafter, any school for elementary or secondary education situated in this state, whether a charter, private, or parochial school or school district;**

**(7) “Energy seller”, the entity that uses the delivery system of a gas corporation for delivery of natural gas supply from an interstate pipeline to the gas corporation's meter for use by a school or school district;**

(8) "Interstate pipeline", a natural gas pipeline which delivers natural gas supply from outside the state to a Missouri gas corporation's system and which is price regulated by the Federal Energy Regulatory Commission;

(9) "Intrastate pipeline", a natural gas pipeline which delivers natural gas supply from inside the state to a Missouri gas corporation's system and which is price regulated by the commission.

3. Each Missouri gas corporation shall file, by August 1, 2002, a set of experimental small volume transportation schedules or tariffs applicable the first year to public school districts and applicable to all school districts, whether charter, private, public, or parochial, thereafter.

4. The schedules or tariffs required pursuant to subsection 3 of this section shall, at a minimum:

(1) Provide for aggregate purchasing of natural gas requirements for eligible school entities by and through a not-for-profit school association, as the principal contracting party, require energy sellers to register with the commission pursuant to subsection 8 of this section and to transfer title to the gas corporation of any natural gas for aggregate purchase, and require the not-for-profit school association to provide energy sellers with bundled charge information on a monthly basis so that the gas corporation can collect local gross receipts taxes;

(2) Establish small volume natural gas delivery charges which are equal to commission-approved gas corporation charges for general utility natural gas service, less the gas corporation's cost of purchased natural gas supply and interstate pipeline charges, plus an aggregation and monthly balancing charge not to exceed four-tenths of one cent per therm delivered;

(3) Provide eligible school entities with the option of contracting with their gas corporation for interstate pipeline capacity equal to each eligible school entity's aggregate requirements. Eligible school entities shall pay market prices to the gas corporation for use of contracted interstate pipeline capacity at prices consistent with prices that would be received when posted for release with the interstate pipeline;

(4) Not require telemetry or special metering, except for individual school meters over one hundred thousand therms annually for purposes of daily balancing on the distributor, when required by the pipeline system, provided that the gas corporation shall use its best efforts to minimize related costs;

(5) Require each gas corporation to provide to each eligible school entity or its designated agent, at least five weekdays prior to the beginning of each month, usage and heating-degree-day information for each school facility for the same month during the previous year, and any other information the gas corporation considers relevant; and

(6) Impose penalties only in accordance with gas corporation tariffs if the projected daily quantities of natural gas are not delivered to the distributor's delivery system. Such penalties shall not exceed the penalties approved by the commission in the gas corporation's large volume transportation tariffs.

5. The commission may suspend the schedules or tariffs as required pursuant to subsection 3 of this section for a period ending no later than November 1, 2002, to examine the assumptions and estimates used and to review and ensure compliance with the requirements of this section.

6. Prior to September 1, 2003, and prior to September first of each succeeding year, the not-for-profit school association which administers experimental aggregate natural gas purchasing shall report to the commission the number of participating eligible school entities, usage and gas cost savings of each entity. Within ninety days after the receipt of such report, the commission shall report to the president pro tempore of the senate and speaker of the house of representatives on the progress and public benefit of the experimental small volume natural gas aggregation provided in this section. The report shall contain such information as the commission determines is necessary to allow the general assembly to determine whether the program shall be extended in duration and applicability.

7. Prior to June 1, 2003, and prior to June first of each succeeding year, each gas corporation shall file with the commission the gas corporation's revenues from the aggregation administrative and monthly balancing charges and its costs which are a direct result of implementing experimental small volume transportation for eligible school entities. As needed from time to time, and notwithstanding the general prohibition on single-issue ratemaking, the commission shall determine the aggregation and monthly balancing charge to maintain earnings neutrality for the gas corporation.

8. (1) Any energy seller that will be transferring natural gas to a gas corporation pursuant to the tariff described in this section shall first register with the commission by filing a written statement of its intent to provide such natural gas and must maintain such registration in order to continue providing natural gas to the gas corporation pursuant to such tariff.



(2) An energy seller registering with the commission shall provide the following information and update such information when and as requested by the commission:

- (a) Corporate name, address, and most recent annual report;
- (b) Name and address of any affiliate of the applicant that is engaged in the provision of natural gas;
- (c) A bond or other demonstration of financial capability to satisfy potential claims or expenses that can reasonably be anticipated to occur as part of the applicant's operations under its certificate, including a failure to honor contractual commitments. The adequacy of the bond or demonstration shall be determined by the commission from time to time;
- (d) A description of the applicant's technical, financial, and managerial resources and abilities to comply with all applicable federal, state, regional, and industry statutes, rules, policies, practices, and procedures for the provision of natural gas; and

(e) Evidence that the applicant has an office in this state and an agent for service of process.

9. The commission may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

10. This section shall terminate June 30, 2005.

393.700. Sections 393.700 to 393.770 [and section 386.025, RSMo,] shall be known as the "Joint Municipal Utility Commission Act".

393.705. As used in sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295], the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295];

(2) "Commission", any joint municipal utility commission established by a joint contract [under] **pursuant to** sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295];

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission [under] **pursuant to** sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295], a water supply district formed [under] **pursuant to** the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

(4) "Joint contract", the contract entered into among or by and between two or more of the following contracting entities for the purpose of establishing a commission:

- (a) Municipalities;
- (b) Public water supply districts;
- (c) Sewer districts;
- (d) Nonprofit water companies; or
- (e) Nonprofit sewer companies;

(5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing [under] **pursuant to** the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;

(6) "Project", the purchasing, construction, extending or improving of any revenue-producing water, sewage, gas or electric light works, heating or power plants, including all real and personal property of any nature whatsoever to be used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport and treatment of sewage or interchange of water, sewage, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

393.715. 1. The general powers of a commission to the extent provided in section 393.710 [herein and subject to the provisions of section 393.765 herein] shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or

improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors shall determine.

A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 or 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission;

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve, as well as provide new service to, those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; provided that such locations and areas previously receiving water and sewer service from such nonprofit entity are not located within:

(1) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(2) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(3) The certificated area of a water or sewer corporation that is subject to the jurisdiction of the public service commission.

393.725. 1. Bonds issued pursuant to sections 393.700 to 393.770 by a commission shall be payable, as to the principal and interest, solely from the net revenues derived by the commission from the operation of the commission's project or projects, after providing for the costs of operation and maintenance of the commission's project or projects, or from any other funds made available to the commission from sources other than from proceeds of taxation.

2. Each bond issued pursuant to the provisions of sections 393.700 to 393.770 shall contain a statement that such bond is not an indebtedness of the state, or of any political subdivision thereof, other than the joint municipal utility commission, or of the contracting municipalities, the contracting public water supply districts or the contracting sewer districts, but shall be special obligations of the commission only and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof, or of the contracting municipalities, contracting public water supply districts or contracting sewer districts is pledged to the payment of or the interest on such bonds. The bonds shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. Neither the members of the board of directors of a commission nor any person executing the bonds shall be liable personally on the bonds by reason of the lawful issuance thereof.

3. A commission, subject to the provisions of section 393.760, may from time to time issue its bonds in such principal amounts as it deems necessary to provide sufficient funds to purchase, construct, extend or improve a project, including the establishment or increase of reserves, interest accrued during construction of such project and for a period not exceeding one year after the completion of construction of such project, and the payment of all other costs or expenses of the commission incident to and necessary or convenient to carry out its corporate purposes and powers.

4. Bonds of a commission shall be authorized by resolution of the board of directors and may be issued under such resolution or under a trust indenture or other security instrument, as authorized by the resolution, in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon, registered or both, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places within or without the state, and be subject to such terms of redemption, with or without premium, as such resolution, trust indenture or other security instrument may provide, and without limitation by the provisions of any other law limiting amounts, maturities or interest rates.

5. The bonds shall be sold at public sale [and in the event of a rejection of all bids by the commission, the bonds may be sold] **or** at private sale as the commission may provide and at such price or prices as the commission shall determine [or for a joint municipal utility commission within a fifteen-county area being served with water from a lake constructed by the U.S. Army Corps of Engineers and located north of the Missouri River, if the commission determines it is in the best interest of the commission, at private sale. The reason or reasons why private sale is in the best interest of the people served shall be set forth in the order or resolution authorizing the private sale]. The decision of the

commission shall be conclusive.

6. The bonds may be signed by manual or facsimile signatures as determined by resolution of the board. In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such obligations, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the officers had remained in office until such delivery.

7. Pending preparation of definitive bonds, a commission may issue temporary bonds which shall be exchanged for the definitive bonds when such bonds shall have been executed and are available for delivery.

8. All bonds issued under the provisions of sections 393.700 to 393.770 shall be negotiable instruments [under] **pursuant to** the provisions of the uniform commercial code of the state.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

2. All property, real and tangible personal, **except for properties acquired exclusively for water supply districts**, acquired by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise acquired by a commission shall be subject to taxation for state, county, and municipal and other local purposes **only** to the same extent as [bridge and public utility companies under the provisions of sections 153.030, RSMo, and 138.420, RSMo, except for those properties acquired exclusively for water supply districts] **if such property was owned directly by each participating municipality in proportion to the percentage of each municipality's interest or participation in the facility or property.**

[386.025. Any joint municipal utility commission established by contract for the purpose of owning, operating, controlling or managing all or part of any gas or electric light works, heating or power plants, or gas or electrical production, distribution or transmission facilities shall be considered a gas corporation or electrical corporation, as the case may be, as those terms are defined in this chapter.]

[393.295. All provisions of this chapter and chapter 386, RSMo, concerning court proceedings and the jurisdiction, supervision, powers and duties of the public service commission with reference to gas corporations and electrical corporations, including, but not limiting by enumeration those provisions concerning supervision, investigations, complaints, hearings, reports, approval of certificates of franchises, granting of certificates, approval of issues of stocks, bonds, notes and other evidence of indebtedness, keeping of accounts, fixing of just and reasonable rates, which shall be based on costs associated with any property of such corporations, shall be and are hereby made fully applicable to any joint municipal utility commission which owns, operates, controls or manages all or part of any gas or electric light works, heating or power plants, electrical energy resources or gas or electrical production, distribution or transmission facilities in this state. Nothing contained herein, however, shall affect the rights, privileges or duties of existing corporations pursuant to this chapter, including the construction of facilities within an existing certificated area.]

[393.765. All provisions of chapters 386, RSMo, and 393 in reference to the jurisdiction, supervision, powers and duties of the public service commission with reference to gas and electrical corporations are hereby made applicable to any commission proposed to be created pursuant to sections 393.700 to 393.770 which commission proposes to own, operate, control or manage any gas or electrical light works, heating or power plant in this state, and such provisions shall have full application thereto.]

Section B. Because immediate action is necessary to authorize certain utility projects, the repeal of sections 386.025, 393.295 and 393.765, the repeal and reenactment of sections 393.700, 393.705, 393.715, 393.725 and 393.740, and the enactment of section 393.310, of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of sections 386.025, 393.295 and 393.765, the repeal and reenactment of sections 393.700, 393.705, 393.715, 393.725 and 393.740, and the enactment of section 393.310 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Bill No. 1402, Page 3, Section 392.410, Lines 64-65, by striking the following: “of the political subdivision and any additional geographic areas”.

Senate Amendment No. 7

AMEND Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 8, by inserting after all of said line the following:

**“182.825. As used in sections 182.825 and 182.827, the following terms mean:**

- (1) “Pornographic for minors”, as that term is defined in section 573.010, RSMo;**
- (2) “Public access computer”, a computer that is:**
  - (a) Located in an elementary or secondary public school or public library;**
  - (b) Frequently or regularly used directly by a minor; and**
  - (c) Connected to any computer communication system.**

**182.827. 1. A public school that provides a public access computer shall do one or both of the following:**

**(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;**

**(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.**

**2. The department of elementary and secondary education shall establish rules and regulations for the enforcement of subsection 1 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.**

**3. A public library that provides a public access computer shall do one or both of the following:**

**(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;**

**(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.**

**4. The secretary of state shall establish rules and regulations for the enforcement of subsection 3 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.**

**5. Any public school board member, officer or employee, including library personnel, who willfully neglects or refuses to perform a duty imposed by this section shall be subject to the penalties imposed pursuant to section 162.091, RSMo.**

**6. A public school or public school board member, officer or employee, including library personnel; public library or public library board member, officer, employee or trustee that complies with subsection 1 or 3 of this section or an Internet service provider providing Internet connectivity to such public school or library in order to comply with this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is pornographic for minors through the use of a public access computer that is owned or controlled by the public school or public library.”; and**

Further amend the title and enacting clause accordingly.

AMEND Senate Committee Substitute for House Bill No. 1402, Page 4, Section 392.410, Line 76, by adding after the “.” on said line the following:

- “386.887. 1. This section shall be known and may be cited as the "Consumer Clean Energy Act".**
- 2. As used in this section, the following terms mean:**
- (1) "Commission", the public service commission of the state of Missouri;**
  - (2) "Customer-generator", a consumer of electric energy who purchases electric energy from a retail electric energy supplier and is the owner of a qualified net metering unit;**
  - (3) "Local distribution system", facilities for the distribution of electric energy to the ultimate consumer thereof;**
  - (4) "Net energy metering", a measurement of the difference between the electric energy supplied to a customer-generator by a retail electric supplier and the electric energy generated by a customer-generator that is delivered to a local distribution system at the same point of interconnection;**
  - (5) "Qualified net metering unit", an electric generation unit which:**
    - (a) Is owned by a customer-generator;**
    - (b) Is a hydrogen fuel cell or is powered by sun, wind or biomass;**
    - (c) Has an electrical generating system with a capacity of not more than one hundred kilowatts;**
    - (d) Is located on the premises that are owned, operated, leased or otherwise controlled by the customer-generator;**
    - (e) Is interconnected and operates in parallel and in synchronization with a retail electric supplier; and**
    - (f) Is intended primarily to offset part or all of the customer-generator's own electrical requirements;**
  - (6) "Retail electric supplier" or "supplier", any person that sells electric energy to the ultimate consumer thereof;**
  - (7) "Value of electric energy", the total resulting from the application of the appropriate rates, which may be time of use rates at the option of the supplier, to the quantity of electric energy produced from qualified net metering units or to the quantity of electric energy sold to customer-generators.**
- 3. By August 28, 2003, each retail electric supplier shall adopt rates, charges, conditions and contract terms for the purchase from and the sale of electric energy to customer-generators. The commission, in consultation with the department and retail electric suppliers, shall develop a simple contract for such transactions and make it available to eligible customer-generators and retail electric suppliers. Upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the purchase from the customer-generator may be by the wholesale generator. Any time of use or other rates charged for electric energy sold to customer-generators shall be the same as those made available to any other customers with the same net electric energy usage pattern including minimum bills and service availability charges. Rates for electric energy generated by the customer-generator from a qualified net generating unit and sold to the retail electric supplier or its wholesale generator shall be the avoided cost (time of use or non-time of use) of the generation used by the retail electric supplier to serve its other customers. Whenever a customer-generator with a qualified net generating unit uses any energy generation method entitled to eligibility under a minimum renewable energy generation requirement, the total amount of energy generated by that method shall be treated as generated by the generator providing electric energy to the retail electric supplier for purposes of such requirement. The wholesale generator, at the option of the retail electric supplier, shall receive credit for emissions avoided by the wholesale generator because of electric energy purchased by the wholesale generator or the retail electric supplier from a qualified net metering unit. If the supplier is required to file tariffs with the commission, the commission shall review the reasonableness of the charges provided in such tariffs.**
- 4. Each retail electric supplier shall calculate the net energy measurement for a customer-generator in the following manner:**
- (1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator during each billing period using an electric metering capable of such function, either by a single meter capable of registering the flow of electricity in two directions or by using multiple meters;**
  - (2) If the value of the electric energy supplied by the retail electric supplier exceeds the value of the**

electric energy delivered by the customer-generator to the retail electric supplier during a billing period, then the customer-generator shall be billed for the net value of the electric energy supplied by the retail electric supplier in accordance with the rates, terms and conditions established by the retail electric supplier for customer-generators; and

(3) If the value of the electric energy generated by the customer-generator exceeds the value of the electric energy supplied by the retail electric supplier, then the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period; and

(b) Shall be credited for the excess value of the electric energy generated and supplied to the retail electric supplier during the billing period, with this credit appearing on the bill for the following billing period.

5. A retail electric supplier shall not be required to provide net metering service with respect to additional customer-generators after the date during any calendar year on which the total generating capacity of all customer-generators with qualified net metering units served by that retail electric supplier is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

6. Each retail electric supplier shall maintain and make available to the public records of the total generating capacity of customer-generators of the supplier that are using net metering, the type of generating systems and energy source used by the electric generating systems which customer-generators use. Each such retail electric supplier shall notify the commission when the total generating capacity of such customer-generators is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

7. Each qualified net metering unit used by a customer-generator shall meet all applicable safety, performance, synchronization, interconnection and reliability standards established by the commission, the National Electrical Safety Code, National Electrical Code, the Institute of Electrical, Electronics Engineers, and Underwriters Laboratories. Each qualified net metering unit used by a customer-generator shall also meet all reasonable standards and requirements established by the retail electric supplier to enhance employee, consumer and public safety and the reliability of electric service to the customer-generator and other consumers receiving electric service from the retail electric supplier. Each qualified net metering unit used by a customer-generator shall also comply with all applicable local building, electrical and safety codes. The customer-generator shall obtain liability insurance coverage in amounts and coverage as set by the commission by rule applicable to all qualified net metering units.

8. The cost of meeting the standards of subsection 7 of this section and any cost to install additional controls, to install additional metering, to perform or pay for additional tests or analysis of the effect of the operation of the qualified net metering unit on the local distribution system shall be paid by the customer-generator.

9. Applications by a customer-generator for interconnection to the distribution system shall include a copy of the plans and specifications for the qualified net metering unit for review and acceptance by the retail electric supplier. Prior to connection of the qualified net metering unit to the distribution system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subsection 7 of this section. Such applications shall be reviewed and responded to by the retail electric supplier within ninety days. If the application for interconnection is approved by the retail electric supplier, the retail electric supplier shall complete the interconnection within fifteen days if electric service already exists to the premises, unless a later date is mutually agreeable to both the customer-generator and the retail electric supplier.

10. The sale of qualified net metering units shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified net metering units. Such rules shall as a minimum require disclosure of the standards of subsection 7 of this section and potential liability of the owner or operator of a qualified net metering unit to third persons for personal injury or property damage as a result of negligent operation of a qualified net metering unit. 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.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2078**.

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 HCS SCS SB 712, as amended**: Senators Singleton, Steelman, Gross, Caskey and Quick.

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 HCS SCS SB 810, as amended**: Senators Dougherty, Stoll, Bentley, Sims and Steelman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

### **BILL CARRYING REQUEST MESSAGE**

**HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**, relating to design-build contracts, was taken up by Representative Koller.

Representative Koller moved that the House refuse to recede from its position on **HS HCS SS SS SCS SBs 970, 968, 921, 867, 868 & 738, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **THIRD READING OF SENATE BILLS**

**HCS SB 1039**, relating to municipal housing authority commission, was taken up by Representative Curls.

Representative Curls offered **HS HCS SB 1039**.



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

**House Amendment No. 1** was withdrawn.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1039, Page 6, Section 99.134, Line 23, by adding after the word “expenses” the following: “, **not to exceed \$1,000.00 per person per year**,”.

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

Which motion was defeated.

On motion of Representative Curls, **HS HCS SB 1039** was adopted.

On motion of Representative Curls, **HS HCS SB 1039** was read the third time and passed by the following vote:

AYES: 089

Abel	Barnitz	Barry 100	Berkowitz	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Campbell	Carnahan	Clayton	Copenhaver
Crump	Curls	Daus	Davis	Farnen
Foley	Franklin	Fraser	Froelker	Gambaro
George	Graham	Gratz	Green 15	Green 73
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hickey	Hilgemann	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	Koller
Lawson	Liese	Lowe	Mays 50	McKenna
Merideth	Monaco	O'Connor	O'Toole	Overschmidt
Ransdall	Reid	Relford	Reynolds	Rizzo
Ross	Scheve	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Villa	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 069

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Fares	Gaskill	Griesheimer	Hanaway
Hegeman	Henderson	Hendrickson	Hohulin	Holand
Hunter	Jetton	Kelly 144	King	Legan
Linton	Lograsso	Long	Luetkemeyer	Marble
Marsh	May 149	Mayer	Miller	Moore
Murphy	Myers	Naeger	Nordwald	Ostmann
Phillips	Portwood	Purgason	Quinn	Rector

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Reinhart  
Schwab  
Surface

Richardson  
Scott  
Townley

Ridgeway  
Secrest  
Vogel

Roark  
Shoemaker  
Wright

Robirds  
St. Onge

PRESENT: 001

Luetkenhaus

ABSENT WITH LEAVE: 003

Baker

Bland

Paone

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

Speaker Kreider assumed the Chair.

**HCS SCS SBs 1061 & 1062**, relating to health insurance, was taken up by Representative Harlan.

Representative Harlan offered **HS HCS SCS SBs 1061 & 1062**.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 21, Section 376.811, Line 20, by striking the word "**of**" on said line and inserting in lieu thereof the following: "**or**"; and

Further amend said bill, Page 30, Section 376.840, Lines 39 through 48, by striking all of said lines; and

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

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

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

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting at the appropriate location the following section:

**"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 licensed 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 the contracted fee schedule or according to the policy. A health insurer or health benefit plan subject to this section may limit the benefit payable for hearing aids to one thousand two 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. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

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

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

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

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting at the appropriate location the following section:

"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 said title, enacting clause and intersectional references accordingly.

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

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AYES: 089

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkstresser	Black	Boatright
Bonner	Britt	Burcham	Burton	Byrd
Campbell	Champion	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Enz
Fares	Gambaro	Gratz	Green 15	Griesheimer
Hampton	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Holt	Hoppe	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Legan
Liese	Linton	Lograsso	Long	Luetkemeyer
Luetkenhaus	Marble	May 149	Mayer	Miller
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Overschmidt	Phillips	Portwood
Purgason	Quinn	Rector	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Selby
Shoemaker	St. Onge	Surface	Townley	Treadway
Wagner	Ward	Wright	Mr. Speaker	

NOES: 062

Baker	Barry 100	Berkowitz	Boucher	Bowman
Boykins	Bray 84	Brooks	Carnahan	Clayton
Copenhaver	Crump	Daus	Davis	Farnen
Foley	Franklin	Fraser	Froelker	Gaskill
George	Graham	Hagan-Harrell	Harding	Harlan
Haywood	Hilgemann	Hollingsworth	Hosmer	Johnson 61
Jones	Kelly 27	Kelly 36	Lawson	Lowe
Marsh	Mays 50	McKenna	Merideth	Monaco
Paone	Ransdall	Relford	Rizzo	Scheve
Seigfreid	Shelton	Shields	Shoemyer	Skaggs
Smith	Troupe	Van Zandt	Villa	Vogel
Walker	Walton	Whorton	Williams	Willoughby
Wilson 25	Wilson 42			

PRESENT: 000

ABSENT WITH LEAVE: 011

Abel	Bland	Curls	Green 73	Hanaway
Hickey	Kelly 144	King	Koller	Ostmann
Thompson				

VACANCIES: 001

### Representative Portwood offered **House Amendment No. 4.**

#### *House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 3, Section 354.085, Line 23, by inserting after all of said line the following:

"354.400. As used in sections 354.400 to 354.535, the following terms shall mean:

(1) "Basic health care services", health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and physician care,

**and chiropractic care, as defined in chapter 331, RSMo, and outpatient medical and chiropractic services;**

- (2) "Community-based health maintenance organization", a health maintenance organization which:
  - (a) Is wholly owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide health care treatment services in the service area described in the application for a certificate of authority from the department of insurance;
  - (b) Is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;
  - (c) Is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and of which a majority of the directors consist of equal numbers of the following:
    - a. Physicians licensed pursuant to chapter 334, RSMo;
    - b. Purchasers of health care services who live in the health maintenance organization's service area;
    - c. Enrollees of the health maintenance organization elected by the enrollees of such organization; and
    - d. Hospital executives, if a hospital is involved in the corporate ownership of the health maintenance organization;
  - (d) Provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization, using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;
  - (e) Is actively involved in attempting to improve performance on indicators of health status in the community or communities in which the health maintenance organization is operating, including the health status of those not enrolled in the health maintenance organization;
  - (f) Is accountable to the public for the cost, quality, and access of health care treatment services and for the effect such services have on the health of the community or communities in which the health maintenance organization is operating on a whole;
  - (g) Establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of the health maintenance organization;
  - (h) Enrolls fewer than fifty thousand covered lives;
- (3) "Covered benefit" or "benefit", a health care service to which an enrollee is entitled under the terms of a health benefit plan;
- (4) "Director", the director of the department of insurance;
- (5) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:
  - (a) Placing the person's health in significant jeopardy;
  - (b) Serious impairment to a bodily function;
  - (c) Serious dysfunction of any bodily organ or part;
  - (d) Inadequately controlled pain; or
  - (e) With respect to a pregnant woman who is having contractions:
    - a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or
    - b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;
- (6) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;
- (7) "Enrollee", a policyholder, subscriber, covered person, or other individual participating in a health benefit plan;
- (8) "Evidence of coverage", any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled;
- (9) "Health care services", any services included in the furnishing to any individual of medical, **chiropractic**, or dental care or hospitalization, or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;
- (10) "Health maintenance organization", any person which undertakes to provide or arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which meets the requirements of section 1301 of

the United States Public Health Service Act;

(11) "Health maintenance organization plan", any arrangement whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services and at least part of such arrangement consists of providing and assuring the availability of basic health care services to enrollees, as distinguished from mere indemnification against the cost of such services, on a prepaid basis through insurance or otherwise, and as distinguished from the mere provision of service benefits under health service corporation programs;

(12) "Individual practice association", a partnership, corporation, association, or other legal entity which delivers or arranges for the delivery of health care services and which has entered into a services arrangement with persons who are licensed to practice medicine, osteopathy, dentistry, chiropractic, pharmacy, podiatry, optometry, or any other health profession and a majority of whom are licensed to practice medicine or osteopathy. Such an arrangement shall provide:

(a) That such persons shall provide their professional services in accordance with a compensation arrangement established by the entity; and

(b) To the extent feasible for the sharing by such persons of medical and other records, equipment, and professional, technical, and administrative staff;

(13) "Medical group/staff model", a partnership, association, or other group:

(a) Which is composed of health professionals licensed to practice medicine or osteopathy and of such other licensed health professionals (including dentists, chiropractors, pharmacists, optometrists, and podiatrists) as are necessary for the provisions of health services for which the group is responsible;

(b) A majority of the members of which are licensed to practice medicine or osteopathy; and

(c) The members of which (i) as their principal professional activity over fifty percent individually and as a group responsibility engaged in the coordinated practice of their profession for a health maintenance organization; (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account or other plan, or are salaried employees of the health maintenance organization; (iii) share medical and other records and substantial portions of major equipment and of professional, technical, and administrative staff; (iv) establish an arrangement whereby an enrollee's enrollment status is not known to the member of the group who provides health services to the enrollee;

(14) "Person", any partnership, association, or corporation;

(15) "Provider", any physician, hospital, or other person which is licensed or otherwise authorized in this state to furnish health care services;

(16) "Uncovered expenditures", the costs of health care services that are covered by a health maintenance organization, but that are not guaranteed, insured, or assumed by a person or organization other than the health maintenance organization, or those costs which a provider has not agreed to forgive enrollees if the provider is not paid by the health maintenance organization."; and

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

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

AYES: 121

Barnett	Barnitz	Barry 100	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Bonner	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Cooper
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Froelker	Gambaro	Gaskill	George
Gratz	Green 15	Griesheimer	Hampton	Hanaway
Hartzler	Hegeman	Henderson	Hendrickson	Hilgemann
Hohulin	Holt	Hoppe	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 36	Lawson
Legan	Liese	Linton	Lograsso	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer

Mays 50	Merideth	Miller	Monaco	Moore
Myers	Naeger	Nordwald	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Skaggs	St. Onge	Surface	Treadway
Troupe	Vogel	Wagner	Walker	Walton
Ward	Whorton	Willoughby	Wilson 42	Wright

NOES: 024

Abel	Boucher	Clayton	Copenhaver	Daus
Fraser	Graham	Hagan-Harrell	Harding	Harlan
Haywood	Hollingsworth	Hosmer	Jones	Kelly 27
Lowe	McKenna	Scheve	Smith	Townley
Van Zandt	Villa	Williams	Wilson 25	

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 016

Baker	Ballard	Bland	Foley	Franklin
Green 73	Hickey	Holand	Kelly 144	King
Koller	Long	Murphy	O'Connor	Relford
Thompson				

VACANCIES: 001

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

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting at the appropriate location the following section:

**"376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 6 of this section incurred as the result of phase III or IV of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer.**

**2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.**

**3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.**

**4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to clinical trials that are approved or funded by one of the following entities:**

(1) One of the National Institutes of Health (NIH);  
(2) An NIH Cooperative Group or Center as defined in subsection 7 of this section;  
(3) The FDA in the form of an investigational new drug application;  
(4) The federal Departments of Veterans' Affairs or Defense;  
(5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or

(6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; whether the trial is for the treatment of cancer or other serious or life threatening disease, and if not cancer, the particular disease; and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

6. As used in this section, the following terms shall mean:

(1) "Cooperative group", a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;

(2) "Multiple project assurance contract", a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;

(3) "Routine patient care costs", shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:

(a) The investigational item or service itself;  
(b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and  
(c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

7. For the purpose of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

8. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act."; and

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

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

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

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting at the appropriate location the following:

"103.095. Notwithstanding any other provision of law to the contrary, any member of the general assembly and any elected state official holding a statewide elective state office, who ceases to hold elective office, or any person employed by the elected official or employed by a member of the general assembly, whose employment is terminated



because such elected official or member of the general assembly ceases to hold elective office, may elect to continue insurance benefits to cover medical expenses provided under sections 103.003 to 103.175, by paying the cost of such benefits [as determined by the board] **in an amount equal to the total premium cost of such benefit at the rate established for current members of the general assembly, elected state officials, and employees of the general assembly.** If an eligible person does not elect to continue the coverage within thirty-one days from the last day of the month in which the eligible person ceases to be an employee, he **or she** may not later elect to be covered under this section."; and

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

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

AYES: 073

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Berkowitz	Black	Bonner	Boucher	Bowman
Britt	Brooks	Burton	Carnahan	Cierpiot
Clayton	Crump	Curls	Daus	Dolan
Enz	Fares	Franklin	Gratz	Hagan-Harrell
Hampton	Hartzler	Haywood	Henderson	Hilgemann
Holt	Hoppe	Johnson 61	Jones	Kelly 144
Legan	Liese	Lograsso	Long	Luetkemeyer
Luetkenhaus	Marble	Mays 50	Monaco	Murphy
Myers	Nordwald	O'Toole	Ostmann	Overschmidt
Paone	Ransdall	Rector	Relford	Ridgeway
Robirds	Secrest	Seigfreid	Selby	Shelton
Shoemyer	Skaggs	Surface	Townley	Treadway
Troupe	Villa	Walker	Walton	Ward
Whorton	Williams	Mr. Speaker		

NOES: 072

Abel	Bartle	Bearden	Behnen	Berkstresser
Boatright	Bray 84	Burcham	Byrd	Campbell
Champion	Cooper	Copenhaver	Crawford	Crowell
Cunningham	Davis	Farnen	Foley	Fraser
Froelker	Gambaro	Gaskill	George	Green 15
Griesheimer	Hanaway	Harding	Harlan	Hegeman
Hendrickson	Hickey	Hohulin	Holand	Hollingsworth
Hunter	Johnson 90	Jolly	Kelley 47	Kelly 27
Kelly 36	Lawson	Linton	Lowe	May 149
Mayer	McKenna	Merideth	Miller	Moore
O'Connor	Phillips	Portwood	Purgason	Quinn
Reid	Reinhart	Reynolds	Rizzo	Roark
Ross	Scott	Shields	Shoemaker	Smith
St. Onge	Van Zandt	Vogel	Willoughby	Wilson 25
Wilson 42	Wright			

PRESENT: 006

Boykins	Jetton	Marsh	Naeger	Scheve
Wagner				

ABSENT WITH LEAVE: 011

Baker	Bland	Dempsey	Graham	Green 73
Hosmer	King	Koller	Richardson	Schwab
Thompson				

VACANCIES: 001

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

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting at the appropriate location the following section:

"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 **who is covered under the policy, contract, or plan and who is less than six years of age.**

2. [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.] **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 coverage required by this section may be subject to the same deductible for similar health care services provided by the policy, contract, or plan as well as a reasonable coinsurance or copayment on the part of the insured, which shall not be greater than fifty percent of the cost of the formula and food products, and may be subject to an annual benefit maximum of not less than five thousand dollars per covered child. Nothing in this section shall prohibit a carrier from using individual case management or from contracting with vendors of the formula and food products.**

[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 35 supplement policy, long-term care policy, or any other supplemental policy as determined by the director of the department of insurance."; and

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

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

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

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 15, Section 376.810, Line 15, by inserting after the word "network" on said line the following: "**for such policy**".

Representative Harlan offered **House Substitute Amendment No. 1 for House Amendment No. 8**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 15, Section 376.810, Line 15, by inserting after the word “network” on said line the following: “**for such policy or contract**”.

On motion of Representative Harlan, **House Substitute Amendment No. 1 for House Amendment No. 8** was adopted.

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

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 14, Section 354.603, Line 10, by adding:

“**4. Or any managed care plan network that has been accredited by any accrediting agency approved by the department of insurance.**”.

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

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

Representative Riback Wilson (25) raised a point of order that **House Amendment No. 10** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

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

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 30, Line 48, by adding the following after said line:

“**191.890. 1. For purposes of this section, the following terms mean:**

(1) “**Disclose**”, to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information; except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;

(2) “**Federal privacy rules**”, the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164;

(3) “**Health information**”, any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to;

(a) The past, present, or future physical, mental, or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

- (c) Payment for the provision of health care to an individual;
- (4) "Licensee", all licensed insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;
- (5) "Nonpublic personal health information", health information:
  - (a) That identifies an individual who is the subject of the information; or
  - (b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;
- (6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership, a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, a governmental agency or any other entity.

2. Any person who in the ordinary course of business, practice of a profession, or rendering of a service creates, stores, receives, or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior written authorization, valid for one year, of the person to whom such information pertains or such person's authorized representative, if:

- (1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or
- (2) The purpose of the disclosure is:
  - (a) For the marketing of services or goods for personal, family, or household purposes;
  - (b) To facilitate an employer's employment-related decisions regarding hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;
  - (c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family, or household purposes; or
  - (d) To deliberately or maliciously cause harm to the person to whom the nonpublic personal health information pertains or to a person who creates, stores, or receives the nonpublic personal health information, except as necessary to conduct the business, practice, or service offered by the disclosing person or entity.

3. Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law, or a court order.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty pursuant to this section may be assessed by a state agency with primary regulatory authority over a person, by the attorney general upon referral by a state agency with primary regulatory authority over a person, or by the attorney general if no state agency has primary regulatory authority over the person. A state agency has primary regulatory authority over a person if the state agency licenses, certifies or examines the business, profession or services of the person. No person shall be subject to administrative penalties pursuant to this subsection from more than one state agency with respect to the same violation. Any administrative penalty imposed pursuant to this subsection shall be paid into the school fund as provided by law for other fines and penalties.

5. To the extent a person other than a licensee is subject to and complies with the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the federal privacy rules), such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

6. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed to be in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information

Regulation", the licensee shall be deemed to be in compliance with this section.

8. Notwithstanding the provisions of subsections 5 and 6 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

9. The provisions of this section do not apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681 et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. to the extent such entities are engaged in activities regulated by these federal acts.

10. The provisions of this section do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer, or exchange.

11. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as an unfair trade practice pursuant to sections 375.936 to 375.948, RSMo. Licensees shall be entitled to all the protections of law contained therein.

12. Nothing in this section shall be construed to prohibit disclosure by any person for purposes other than those specifically listed in subsection 2 of this section. If an agent discloses information to a principal for purposes that do not violate subsection 2 of this section, the agent shall not be deemed liable for any disclosure by the principal.

13. This section does not apply to the disclosure of nonpublic personal health information which was originally collected for marketing purposes, provided that:

(1) The information is disclosed solely for the purposes of marketing products directly to the individual to whom such information pertains;

(2) The individual to whom such information pertains voluntarily reports the information; and

(3) At the time the information is collected, the individual to whom the information pertains receives clear and conspicuous notice stating that the information will be disclosed to third parties for the purposes of marketing products or services to the individual.

14. Notwithstanding any other provision of law, this act shall not apply to the conduct of medical research, as defined in 45 CFR part 46.”; and

Further amend title and enacting clause accordingly.

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

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

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting in the appropriate location the following:

“Section 1. Any health care professional who participates in a managed care plan as defined in Section 376.1350 RSMo, must provide three patient references of patients that have undergone the same treatment, upon the request of an insured or the insured may use an out-of-network health care professional for treatment.”; and

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

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

Which motion was defeated.

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

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, Page 26, Section 376.833, Line 6, by inserting after said line the following:

“376.1209. 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 provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then the new policy subject to the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, shall provide coverage consistent with the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, and any regulations promulgated pursuant to such act. **Such benefits shall include coverage for the purchase of at least four mastectomy brasseries a year.**

2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.

3. The provisions of 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 or long-term care policy.”; and

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

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

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

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1061 & 1062, by inserting at the appropriate location the following section:

**"376.1253. 1. Each physician attending any patient with a newly diagnosed cancer shall inform the patient that the patient has the right to a referral for a second opinion by an appropriate board-certified specialist prior to any treatment. If no specialist in that specific cancer diagnosis area is in the provider network, a referral shall be made to a nonnetwork specialist in accordance with this section.**

**2. Each health carrier or health benefit plan, as defined in section 376.1350, that offers or issues health benefit plans which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for a second opinion rendered by a specialist in that specific cancer diagnosis area when a patient with a newly diagnosed cancer is referred to such specialist by his or her attending physician. Such coverage shall be subject to the same deductible and coinsurance conditions applied to other specialist referrals and all other terms and conditions applicable to other benefits, including the prior authorization and/or referral authorization requirements as specified in the applicable health insurance policy.**

**3. The provisions of 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.";** and

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

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

On motion of Representative Harlan, **HS HCS SCS SBs 1061 & 1062, as amended**, was adopted.

On motion of Representative Harlan, **HS HCS SCS SBs 1061 & 1062, as amended**, was read the third time and passed by the following vote:

AYES: 142

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

NOES: 000

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 019

Baker	Bland	Cierpiot	Crawford	Crump
Franklin	Froelker	Green 73	Hegeman	Hickey
Hohulin	Johnson 61	Jolly	Liese	Marble
O'Toole	Ridgeway	Thompson	Williams	

VACANCIES: 001

Speaker Kreider declared the bill passed.

### **ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTION**

**HCS HCR 35**, relating to emergency contraception, was taken up by Representative Riback Wilson (25).

Representative Riback Wilson (25) offered **HS HCS HCR 35**.

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

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Concurrent Resolution No. 35, Page 3, Line 4, by inserting after the word “hours” the following:

**“ In addition, the Division of Maternal Child and Family Health should also provide to health care providers, pharmacists, hospitals and the community at large information on approved birth control methods;”.**

Representative Fraser offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Substitute for House Committee Substitute for House Concurrent Resolution No. 35, Page 3, Line 4, by adding the following:

**“In addition, the Division of Maternal Child and Family Health should also provide to health care providers, pharmacists, hospitals and the community at large information on contraceptive drugs and devices approved by the Federal Food and Drug Administration.”.**

Representative Smith assumed the Chair.

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

Which motion was defeated by the following vote:



AYES: 045

Abel	Baker	Boucher	Bowman	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Curls	Fares	Farnen	Foley	Franklin
Fraser	Graham	Hagan-Harrell	Harding	Harlan
Haywood	Hickey	Hilgemann	Hollingsworth	Hosmer
Johnson 90	Jolly	Jones	Kelly 27	Lowe
Mays 50	Ostmann	Relford	Rizzo	Scheve
Shelton	Skaggs	Smith	Van Zandt	Walton
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 093

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Bonner	Burcham	Byrd
Cierpiot	Cooper	Crowell	Crump	Cunningham
Daus	Davis	Dempsey	Dolan	Enz
Froelker	Gambara	Gratz	Green 15	Griesheimer
Hampton	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holt	Hunter	Kelley 47	Kelly 144
Kelly 36	King	Lawson	Legan	Liese
Linton	Lograsso	Luetkemeyer	Luetkenhaus	Marble
May 149	Mayer	McKenna	Merideth	Miller
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	Overschmidt	Paone	Phillips	Portwood
Purgason	Quinn	Ransdall	Rector	Reid
Reinhart	Reynolds	Ridgeway	Roark	Ross
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemaker	Shoemyer	St. Onge	Surface
Townley	Treadway	Villa	Vogel	Wagner
Ward	Whorton	Wright		

PRESENT: 003

Holand	Marsh	Robirds
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ABSENT WITH LEAVE: 021

Bland	Boykins	Burton	Champion	Copenhaver
Crawford	Gaskill	George	Green 73	Hanaway
Hoppe	Jetton	Johnson 61	Koller	Long
Monaco	O'Toole	Richardson	Thompson	Troupe
Walker				

VACANCIES: 001

Representative Riback Wilson (25) requested a verification of the roll call on the motion to adopt **House Substitute Amendment No. 1 for House Amendment No. 1.**

**House Amendment No. 1** was withdrawn.

**HCS HCR 35, with HS, pending,** was laid over.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 722**, relating to school administrator's certificate, was taken up by Representative Relford.

Representative Relford offered **HS HCS SCS SB 722**.

On motion of Representative Relford, **HS HCS SCS SB 722** was adopted.

On motion of Representative Relford, **HS HCS SCS SB 722** was read the third time and passed by the following vote:

AYES: 145

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
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	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Lawson	Legan	Liese
Lograsso	Lowe	Luetkemeyer	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	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	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Skaggs	Smith	St. Onge	Surface
Townley	Treadway	Van Zandt	Villa	Vogel
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Murphy

PRESENT: 001

Linton

ABSENT WITH LEAVE: 015

Baker	Ballard	Bland	Burton	Foley
Green 73	Harlan	Hickey	Koller	Long
Luetkenhaus	Scheve	Thompson	Troupe	Wagner

VACANCIES: 001

Representative Smith declared the bill passed.

Speaker Pro Tem Abel resumed the Chair.

**SB 1143**, relating to the State Auditor, was taken up by Representative Monaco.

On motion of Representative Monaco, **SB 1143** was truly agreed to and finally passed by the following vote:

AYES: 136

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burcham	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	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Lawson
Legan	Linton	Lograsso	Lowe	Luetkemeyer
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	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Ross
Schwab	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Townley	Treadway	Van Zandt
Villa	Vogel	Walker	Walton	Ward
Whorton	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 003

Boatright	Hohulin	Purgason
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PRESENT: 000

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ABSENT WITH LEAVE: 023

Baker	Ballard	Bland	Burton	Foley
Green 73	Harlan	Hickey	Hosmer	Koller
Liese	Long	Luetkenhaus	Marble	Reinhart
Relford	Robirds	Scheve	Scott	Thompson
Troupe	Wagner	Williams		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

**SB 859**, relating to A+ schools, was taken up by Representative Ransdall.

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

*House Amendment No. 1*

AMEND Senate Bill No. 859, Page 3, Section 160.545, Line 75, by striking “, **with the exemption of active military dependents,**”; and

Further amend said bill, Section 160.545, Line 77, by adding immediately after the word “section” the following:

“, **except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision**”; and

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

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

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

*House Amendment No. 2*

AMEND Senate Bill No. 859, Page 3, Section 160.545, Line 69, by placing an opening bracket “[“ immediately before the word “Within”; and on Line 70, by placing a closing bracket “]” immediately after the word “section,” and inserting the following after the closing bracket:

“**For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.**

**6.**”; and

Further amend said bill, Page 4, Section 160.545, Line 86, by deleting “6.” and inserting in lieu thereof the following: “[6.] **7.**”; and

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

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

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

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

The Chair ruled the point of order well taken.

On motion of Representative Ransdall, **SB 859, as amended**, was read the third time and passed by the following vote:

AYES: 132

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Burcham
Byrd	Campbell	Champion	Cierpiot	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Franklin	Fraser
Froelker	Gaskill	Graham	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Lawson	Legan
Lograsso	Lowe	Luetkemeyer	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reinhart	Relford	Ridgeway	Rizzo	Roark
Ross	Schwab	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Townley	Treadway
Van Zandt	Villa	Vogel	Walker	Walton
Ward	Whorton	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 003

Brooks	Gambaro	Reynolds
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PRESENT: 000

ABSENT WITH LEAVE: 027

Ballard	Bland	Burton	Carnahan	Clayton
Foley	George	Green 73	Hickey	Hohulin
Koller	Liese	Linton	Long	Luetkenhaus
Marble	Monaco	O'Toole	Reid	Richardson
Robirds	Scheve	Scott	Thompson	Troupe
Wagner	Williams			

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 1864** - Agriculture

### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 65** - Miscellaneous Bills & Resolutions

**SCR 73** - Miscellaneous Bills & Resolutions

**SCR 75** - Miscellaneous Bills & Resolutions

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SB 1186** - Fiscal Review and Government Reform (Fiscal Note)

**SCS SBs 1112 & 854** - Miscellaneous Bills & Resolutions

### **COMMITTEE REPORTS**

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

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCS SB 878**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCS SB 1137**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SCS SB 916**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SCS SB 642**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Environment and Energy**, Chairman Lawson reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SS#2 SCS SBs 984 & 985**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Judiciary**, Chairman Monaco reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SBs 662 & 704**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SB 840**, 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 **SCS SB 834**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 1060**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SCR 49**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SJR 24**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 739**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ways and Means**, Chairman Hilgemann reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 989**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 758**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 758, 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. The House recede from its position on House Committee Substitute for Senate Bill No. 758;
2. The Senate recede from its position on Senate Bill No. 758;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 758 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Roseann Bentley  
/s/ Doyle Childers  
/s/ Betty Sims  
/s/ Patrick Dougherty  
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Craig Hosmer  
/s/ Phillip Britt  
/s/ Cathy Jolly  
/s/ Michael Reid  
/s/ Matt Bartle

**CONFERENCE COMMITTEE REPORT #2  
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

**ADJOURNMENT**

On motion of Representative McKenna, the House adjourned until 9:00 a.m., Tuesday, May 14, 2002.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-ninth Day, Friday, May 10, 2002, pages 1864 and 1865, roll call, by showing Representative Fares voting "no" rather than "absent with leave".

Pages 1865 and 1866, roll call, by showing Representatives Graham and Kelly (27) voting "aye" rather than "absent with leave".

Page 1866, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 1867, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 1868, roll call, by showing Representatives Kelly (27), Shields and Shoemyer (9) voting "aye" rather than "absent with leave".

Page 1869, roll call, by showing Representatives Hunter and Kelly (27) voting "aye" rather than "absent with leave".

Page 1870, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 1871, roll call, by showing Representatives Cooper and Secrest voting "aye" rather than "absent with leave".

Pages 1874 and 1875, roll call, by showing Representative Fares voting "no" rather than "absent with leave".

Pages 1875 and 1876, roll call, by showing Representative Dempsey voting "no" rather than "absent with leave".

Pages 1876 and 1877, roll call, by showing Representatives Behnen, Hosmer and Robirds voting "aye" rather than "absent with leave".

Pages 1876 and 1877, roll call, by showing Representative Crawford voting "no" rather than "absent with leave".

Pages 1878 and 1879, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1878 and 1879, roll call, by showing Representative Bartle voting "no" rather than "absent with leave".

Pages 1879 and 1880, roll call, by showing Representatives Harding, Hosmer and Paone voting "aye" rather than "absent with leave".

Pages 1880 and 1881, roll call, by showing Representatives Hosmer and Jones voting "aye" rather than "absent with leave".

Pages 1880 and 1881, roll call, by showing Representative Black voting "no" rather than "absent with leave".

Pages 1881 and 1882, roll call, by showing Representative Crawford voting "no" rather than "absent with leave".

Pages 1882 and 1883, roll call, by showing Representatives Crawford and Reinhart voting "no" rather than "absent with leave".

Pages 1885 and 1886, roll call, by showing Representatives Bearden and Miller voting "no" rather than "absent with leave".

Pages 1885 and 1886, roll call, by showing Representatives Graham and Ward voting "aye" rather than "absent with leave".

Pages 1900 and 1901, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1901 and 1902, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1902 and 1903, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1903 and 1904, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Page 1906, roll call, by showing Representative Holt voting "aye" rather than "absent with leave".

Page 1907, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 1907 and 1908, roll call, by showing Representative Willoughby voting "aye" rather than "no".

Pages 1910 and 1911, roll call, by showing Representative Ross voting "aye" rather than "absent with leave".

Pages 1911 and 1912, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 1920, roll call, by showing Representative Graham voting "aye" rather than "absent with leave".

Page 1921, roll call, by showing Representative Cooper voting "no" rather than "absent with leave".

Pages 1924 and 1925, roll call, by showing Representative George voting "aye" rather than "absent with leave".

Pages 1925 and 1926, roll call, by showing Representatives George, Hosmer and Wilson (42) voting "aye" rather than "absent with leave".

Pages 1928 and 1929, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 1928 and 1929, roll call, by showing Representative Purgason voting "no" rather than "absent with leave".

Pages 1932 and 1933, roll call, by showing Representatives Bartle and Surface voting "aye" rather than "absent with leave".

Pages 1932 and 1933, roll call, by showing Representatives Boucher, McKenna, Paone and Scott voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Tuesday, May 14, 2002, 8:00 a.m. Side gallery.

Executive Session to follow.

Public Hearing to be held on: HR 1864

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**FISCAL REVIEW AND GOVERNMENT REFORM**

Tuesday, May 14, 2002. Hearing Room 6 upon morning recess. AMENDED NOTICE.

Fiscal Review.

HCS/SCS/SB 894,975&927,HCS/SS/SCS SB 670 & 694, HCS SB 856.

**JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Tuesday, May 14, 2002, 12:30 p.m. Hearing Room 3.

Open meeting.

Set prices for 2002 Session Laws. Any other business.

**MISCELLANEOUS BILLS AND RESOLUTIONS**

Tuesday, May 14, 2002, 8:30 a.m. Hearing Room 6. AMENDED NOTICE.

Public Hearing to be held on: SB 1112, SCR 65, SCR 73, SCR 75

**HOUSE CALENDAR**

SEVENTY-FIRST DAY, TUESDAY, MAY 14, 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 RESOLUTION FOR ADOPTION AND THIRD READING**

HCS HCR 35, HS pending, (5-7-02, Pages 1716-1718) - Riback Wilson (25)

#### **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 HCS HB 1886, (Fiscal Review 4-29-02) - Rizzo
- 3 HS HCS HB 1231 - Harding

#### **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

- 1 SCR 58, HCA 1 (Klarich)(4-9-02, Pages 1026-1027) - Luetkenhaus
- 2 SCR 49, (Rohrbach) (3-06-02, Page 490) - O'Toole

#### **SENATE JOINT RESOLUTION FOR THIRD READING**

HCS SJR 24, (Johnson) (5-02-02, Page 1583) - Farnen

#### **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 HCS SCS SB 894, 975 & 927, E.C. (Kinder) (Fiscal Review 5-6-02) - O'Toole
- 3 HCS SB 856, (Russell) (Fiscal Review 5-6-02) - Rizzo
- 4 HCS SS SCS SB 670 & 684, (Sims) (Fiscal Review 5-8-02) - Harlan
- 5 HCS SCS SB 680, E.C. (Bland) - Barry
- 6 HCS SB 718, (House) - Berkowitz
- 7 SCS SB 1266, (Kenney) - Hoppe
- 8 SB 1011, (Caskey) - Monaco
- 9 HCS SCS SB 892, (Kenney) - O'Connor
- 10 HCS SS SCS SB 931, (Klarich) - Monaco
- 11 HCS SS SCS SB 837, 866, 972 & 990, (Cauthorn) - Berkowitz
- 12 HCS SB 1186, (Kenney)(Fiscal Review 5-13-02) - Hoppe
- 13 HCS SS SCS SB 923, 828, 876, 694 & 736, E.C.(Sims) - Barry
- 14 HCS SS SCS SB 1107, (Childers) - Hoppe
- 15 SB 713, (Singleton) - Hosmer
- 16 SCS SB 1026, (Kenney) - Barry
- 17 HCS SS SB 665, (Kenney) - Hoppe
- 18 HCS SCS SB 1060, (Westfall) - Hoppe
- 19 HCS SS SCS SB 840, (Gross) - Hosmer
- 20 SS#2 SCS SB 984 & 985, (Steelman) - Merideth
- 21 HCS SCS SB 834, E.C. (Sims) - Hoppe
- 22 SCS SB 642, (Russell) - Hosmer
- 23 HCS SCS SB 739, (Wiggins) - Monaco
- 24 HCS SB 989, (Caskey) - Hartzler
- 25 HCS SCS SB 1137, (Bentley) - Hosmer
- 26 HCS SCS SB 662 & 704, (Westfall) - Monaco
- 27 SCS SB 878, (Sims) - Harding
- 28 HCS SCS SB 916, (Dougherty) - Smith

**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 1141,1400,1645,1745 & 2026 - Naeger
- 3 SCS HB 1402, as amended, E.C. - Burton

**BILLS CARRYING REQUEST MESSAGES**

- 1 HS HCS SCS SB 810, as amended (conferees be allowed to exceed differences on spend down issue) - Ladd Baker
- 2 SS SCS HB 1953, as amended (request Senate recede/grant conference) - Van Zandt

**BILLS IN CONFERENCE**

- 1 SCS HB 2120 - Ridgeway
- 2 HS HCS SS SB 1248, as amended - Foley
- 3 CCR HCS SB 758 - Hosmer
- 4 CCR#2 HCS SB 795 - Treadway
- 5 HCS SCS SB 1086 & 1126 - Hoppe
- 6 SCS HB 1313 - Burton
- 7 CCR HS SB 1220, as amended - O'Toole
- 8 HCS SCS SB 1202, E.C. - Koller
- 9 SS SCS HB 1712, as amended - Monaco
- 10 SS#2 SCS HB 1446, as amended - Luetkenhaus
- 11 HS HCS SB 895, as amended - Liese
- 12 HS HCS SCS SB 712, as amended - O'Toole
- 13 HS HCS SS SS SCS SB 970, 968, 921, 867, 868 & 738 - Koller