

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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THIRTY-SECOND DAY, WEDNESDAY, MARCH 5, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, Loving and Kind, You said that whatever is hidden will be disclosed. Whatever is concealed will be brought to the light. Even so shed light on the hidden things that hinder our progress. Reveal in our thinking the concealed things that promote success.

Father, we approach this day with great expectation knowing that if we rest in You and wait patiently on You, our latter end will be fulfillment of purpose.

So we yield ourselves to You, Heavenly Father, that You may grant us the requests of our heart and cause our day to be at peace.

Now, may the grace of our Lord, and the love of God be with us all.

In the name of your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sonya Spencer, Tyler Sudduth, Anna Thomas, Lindsay Grotjan, Cory Morris, Caleb Burnett, Lauran Gilstrap, Nicholas Turner, Kate Wright and Heather Wilson.

The Journal of the thirty-first day was approved as corrected.

Representative Crowell moved that Rule 113 be suspended to receive guests of Representative Deeken and Representative Bruns for special recognition. The following members and coaches of the Helias Crusaders Class 2 State Championship Wrestling Team were introduced: Tom Koenigsfeld, Tyler Eads, Ben Cardwell, Will Ayers, Chad Loethen, Brian Markway, David Suthoff, John Komaromi, Zeke Vanderfeltz, Jeff Heet, Kyle Hoelscher, Mike Malone and Coaches Mike Jefferies, David Ganey, Travis Reinsch and Jeff Berendzen.

Which motion was adopted by the following vote:

AYES: 150

Abel	Adams	Angst	Avery	Baker
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer

Bruns	Burnett	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dixon	Donnelly	Dougherty
Dusenber	El-Amin	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meiners	Merideth	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Phillips	Portwood
Pratt	Quinn	Ransdall	Rector	Richard
Roark	Ruestman	Rupp	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt	Walker
Wallace	Walsh	Walton	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 000

PRESENT: 001

Sager

ABSENT WITH LEAVE: 012

Barnitz	Brooks	Brown	Byrd	Campbell
Dethrow	Graham	Holand	Pearce	Purgason
Reinhart	Wagner			

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 691 - Representative Cooper (120)
- House Resolution No. 692 - Representative Moore
- House Resolution No. 693 - Representatives Green and Schneider
- House Resolution No. 694
- and
- House Resolution No. 695 - Representative Bean
- House Resolution No. 696 - Representative Sutherland
- House Resolution No. 697 - Representative Lager

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 596**, introduced by Representatives Portwood, Black and Stefanick, relating to dieticians.

**HB 597**, introduced by Representatives Schlottach, Threlkeld, Deeken and Goodman, et al, relating to preparing and filing certain annual reports by certain townships.

**HB 598**, introduced by Representatives Schlottach, Viebrock, Crawford, Whorton, Bishop and Green, et al, relating to special license plates.

**HB 599**, introduced by Representatives Burnett, Carnahan, Yates, Pratt, Harris (23) and Johnson (90), relating to municipal court costs.

**HB 600**, introduced by Representatives Cooper (120), Pearce, Smith (118), Icet, Shoemaker (8), Lipke and Goodman, et al, relating to taxation.

**HB 601**, introduced by Representatives Hunter, Emery, Viebrock, Wallace, Wilson (130), Jetton, Cooper (120), Schneider and Dixon, et al, relating to manufacturing controlled substances near schools.

## **SECOND READING OF HOUSE BILLS**

**HB 590** through **HB 595** were read the second time.

## **SECOND READING OF SENATE BILLS**

**SB 203**, **SB 214**, **SCS SB 288**, **SCS SB 296**, **SB 310**, **SB 325**, **SB 371**, **SB 401**, **SB 465** and **SCS SB 466** were read the second time.

## **COMMITTEE REPORT**

**Committee on Budget**, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HCS HB 281** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## **HOUSE BILL WITH SENATE AMENDMENT**

**SCS HCS HB 15**, relating to appropriations, was taken up by Representative Bearden.

Representative Bearden moved that the House refuse to adopt **SCS HCS HB 15** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

## PERFECTION OF HOUSE BILL

**HCS HB 289**, relating to the Missouri Downtown Economic Stimulus Act, was taken up by Representative Dempsey.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 289, Page 2, Section 99.918, Lines 24 to 29, by deleting all of said lines and inserting in lieu thereof the following:

**"(4) "Central business district", the area at or near the historic core of a city, village, or town, except any municipality that was not incorporated before January 1, 1960, and except any municipality with a median household income of greater than sixty-two thousand dollars according to the last decennial census, that is locally known as the "downtown", with a substantial percentage of buildings, or lots cleared of prior buildings, built in excess of fifty years prior to redevelopment. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and residential and multi-family uses;"**; and

Further amend said bill, Page 5, Section 99.918, Line 144, by inserting after all of said line the following:

**"(16) "New job", any job defined as a new job pursuant to subdivision (10) of section 100.710, RSMo;"**, and renumber remaining subdivisions accordingly; and

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

Representative Dixon offered **House Amendment No. 1 to House Amendment No. 1**.

### *House Amendment No. 1*

*to*

### *House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 289, Page 1, Lines 6-7, by deleting the words **"a substantial percentage of"** and inserting in lieu thereof the following: **"fifty-percent or more of the"**; and

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

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

Representative Byrd offered **House Amendment No. 2 to House Amendment No. 1**.

### *House Amendment No. 2*

*to*

### *House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 289, Page 2, Section 99.918(4), Line 5, by deleting the words "sixty-two" and inserting in lieu the word **"ninety"**.

Representative Bearden assumed the Chair.

On motion of Representative Byrd, **House Amendment No. 2 to House Amendment No. 1** was adopted.

Representative Johnson (47) offered **House Amendment No. 3 to House Amendment No. 1**.

*House Amendment No. 3  
to  
House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 289, Page 1, Subsection 4, Line 8, by deleting the word “fifty” and add in lieu thereof the following: “**thirty-five**”.

On motion of Representative Johnson (47), **House Amendment No. 3 to House Amendment No. 1** was adopted.

On motion of Representative Dempsey, **House Amendment No. 1, as amended**, was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 289, Page 5, Section 99.918, Line 142, by deleting all of said line and inserting in lieu thereof the following:

<b>"50,001 to 99,999</b>	<b>\$1,000,000</b>	<b>at least 10;</b>
<b>50,000 or less</b>	<b>\$500,000</b>	<b>at least 5;"</b> ; and

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

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

Speaker Hanaway resumed the Chair.

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

Representative Dempsey 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.

Representative Johnson (90) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 289, Page 1, Section 99.915, Lines 5 to 7, by deleting all of

said lines.

Representative Johnson (90) moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

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

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 289, Page 21, Section 99.954, Line 40, by inserting after said line the following:

**“7. State supplemental downtown development financing shall not be used for retiring existing debt or refinancing existing obligations without express approval from the director of the department of economic development and the commissioner of the office of administration. No approval shall be granted unless the application for state supplemental downtown development financing contains development projects that are new projects and were not a part of the development projects for which there is existing debt or obligations.”; and**

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

**HCS HB 289, as amended, with House Amendment No. 5, pending,** was laid over.

On motion of Representative Crowell, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Representative Portwood.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 698 - Representatives Walker and Jolly  
House Resolution No. 699 - Representative Kingery  
House Resolution No. 700 - Representative Pearce  
House Resolution No. 701 - Representative Smith (14)  
House Resolution No. 702 - Representative Dusenberg  
House Resolution No. 703  
and  
House Resolution No. 704 - Representative George  
House Resolution No. 705  
and  
House Resolution No. 706 - Representatives Lipke and Crowell  
House Resolution No. 707 - Representative Engler

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 602**, introduced by Representative Schoemehl, relating to salary supplements for teachers in priority schools.

**HB 603**, introduced by Representatives Self, Wilson (119) and Smith (118), et al, relating to the collection of fees by the secretary of state.

**HB 604**, introduced by Representatives Self, Wilson (119) and Smith (118), et al, relating to notary public.

**HB 605**, introduced by Representatives Kelly (36), Jetton, Selby, Crowell, Emery, Ervin, Reinhart, Wright and Dixon, et al, relating to the reading or posting of certain historical documents in public schools.

**HB 606**, introduced by Representatives Deeken, Taylor, Richard and Crawford, et al, relating to compensation for additional duties of county clerks.

**HB 607**, introduced by Representatives Schaaf, Hubbard, Byrd, Miller, Carnahan and Selby, et al, relating to prevention, screening, and treatment of lead poisoning.

**HB 608**, introduced by Representatives Lipke, Goodman and Stevenson, relating to juvenile court jurisdiction.

**HB 609**, introduced by Representatives Lipke, Goodman and Stevenson, relating to driving while intoxicated.

**HB 610**, introduced by Representatives Jones, Haywood, Burnett, Wilson (42), Fraser, Bland, El-Amin, Sanders Brooks and Donnelly, et al, relating to criminally negligent storage of a firearm.

**HB 611**, introduced by Representatives Rector, Davis (19), Nieves, Crawford, Bringer, McKenna, Cunningham (86), Portwood, Selby, Kelly (36), Stefanick, Rupp, Cooper (155), Dixon, Viebrock, Bearden, Munzlinger, Schlottach, Hampton, Parker, Richard and Wood, et al, relating to respect life license plates.

**HB 612**, introduced by Representatives Parker, Deeken and Kingery, relating to health insurance coverage for treatment of inherited diseases of amino and organic acids.

**HB 613**, introduced by Representatives Byrd, Mayer, Pratt and Stevenson, relating to court procedures.

Representative Crowell suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 137

Abel	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Boykins	Bringer	Brooks	Bruns
Burnett	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crowell	Cunningham 145	Cunningham 86	Curls
Daus	Davis 122	Davis 19	Deeken	Dempsey
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hobbs
Hoskins	Hubbard	Hunter	Iceet	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	Kingery	Kratky	Kuessner
Lager	Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	McKenna
Meiners	Merideth	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Richard	Roark
Rupp	Sager	Salva	Sander	Schaaf
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemyer	Skaggs	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Viebrock	Villa	Vogt	Walker
Wallace	Walsh	Walton	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 25	Wilson 42
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 026

Adams	Angst	Behnen	Bough	Brown
Byrd	Crawford	Darrough	Dethrow	Fares
Hilgemann	Holand	Jackson	King	Lawson
Mayer	Nieves	Reinhart	Ruestman	Sager
Salva	Schlottach	Shoemaker	Smith 118	Townley
Wagner	Wilson 119	Wilson 130	Witte	

## PERFECTION OF HOUSE BILLS

**HCS HB 289, as amended, with House Amendment No. 5, pending**, relating to the Missouri Downtown Economic Stimulus Act, was again taken up by Representative Dempsey.

**House Amendment No. 5** was withdrawn.

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



*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 289, Page 11, Section 99.933, Line 93, by striking said line and by inserting in lieu thereof the following:

**“of a municipality created pursuant to this chapter or chapter 353, RSMo, excluding powers of eminent domain:”.**

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 289, Page 3, Section 99.918, Line 59, by inserting after all of said line the following:

**“(g) The development area shall not include any property that is located within the five-hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers.”; and**

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

Representative Dempsey offered **House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1*

*to*

*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for House Bill No. 289, Page 1, Section (g), Line 2, by amending said section, by deleting “five hundred” and adding in lieu thereof **“one hundred”**.

On motion of Representative Dempsey, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Merideth, **House Amendment No. 7, as amended**, was adopted.

Representative Harris (23) offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 289, Page 14, Section 99.939, Line 3, by deleting the word **“and”**; and

Further amend said bill, Page 14, Section 99.939, Line 3, by inserting after the word **“county”** the following:

**“, and any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants and any municipality located therein”;**  
and

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

On motion of Representative Harris (23), **House Amendment No. 8** was adopted.

Representative Johnson (47) offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 289, Page 3, Section 99.918, Line 53, by deleting the semicolon and add in lieu thereof the following:

“or has structures in the area fifty percent or more of which have an age of thirty-five years or more;”;  
and

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

On motion of Representative Johnson (47), **House Amendment No. 9** was adopted.

On motion of Representative Dempsey, **HCS HB 289, as amended**, was adopted.

On motion of Representative Dempsey, **HCS HB 289, as amended**, was ordered perfected and printed.

Representative Cooper (120) assumed the Chair.

**HCS HBs 517, 94, 149, 150 & 342**, relating to assistance for the elderly, was taken up by Representative Portwood.

Representative Donnelly raised a point of order that **HCS HBs 517, 94, 149, 150 & 342** is out of order pursuant to Rule 27.

Representative Cooper (120) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Portwood offered **HS HCS HBs 517, 94, 149, 150 & 342**.

Speaker Hanaway resumed the Chair.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 517, 94, 149, 150 & 342, Page 1, Section 137.106, Lines 16 to 20 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"by any person who is sixty-two years of age or older and who uses the property as a homestead, as defined in section 135.010, RSMo, shall not increase during any tax-year reassessment cycle during the period of time the person resides on that property after attaining the age of sixty-two"; and**

Further amend said bill, Page 2, Section 137.106, Line 3 of said page, by deleting the words "**each assessment cycle**"; and

Further amend said bill, Page 2, Section 137.106, Line 22 of said page, by deleting the words "**sixty-five**" and inserting in lieu thereof the following: "**sixty-two**"; and

Further amend said bill, Page 3, Section 137.106, Lines 1 to 8 of said page, by deleting all of said lines and renumber remaining subsections accordingly; and

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

Representative Stefanick 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 Bill Nos. 517, 94, 149, 150 & 342, Section 137.106, Page 1, Line 18, by deleting the words "five percent" and insert in lieu thereof the words "**the Consumer Price Index**".

Representative Avery offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1.**

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

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute for House Committee Substitute for House Bill Nos. 517, 94, 149, 150 & 342, Page 1, Line 3, by inserting after the word "Index" the words "**or five percent whichever is greater**".

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

Which motion was defeated.

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

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

Which motion was defeated by the following vote:

AYES: 059

Abel	Adams	Barnitz	Bishop	Bringer
Burnett	Campbell	Carnahan	Corcoran	Darrough
Daus	Davis 122	Donnelly	Dougherty	El-Amin

Fraser	George	Graham	Green	Harris 110
Harris 23	Henke	Hoskins	Hubbard	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	LeVota	Liese	Lowe	McKenna
Meiners	Muckler	Ransdall	Sager	Salva
Schoemehl	Seigfreid	Selby	Shoemyer	Skaggs
Spreng	Thompson	Vogt	Walker	Walsh
Walton	Ward	Wildberger	Willoughby	Wilson 25
Witte	Yaeger	Young	Zweifel	

NOES: 100

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bland	Bough
Boykins	Brooks	Bruns	Byrd	Cooper 120
Cooper 155	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hampton	Haywood
Hilgemann	Hobbs	Holand	Hunter	Iceet
Jackson	Jetton	Johnson 47	Kelly 144	King
Kingery	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Merideth	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Self	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Villa
Wallace	Wasson	Whorton	Wilson 119	Wilson 130
Wilson 42	Wood	Wright	Yates	Madam Speaker

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown	Lawson	Shoemaker	Wagner
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## Representative Zweifel offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 517, 94, 149, 150 & 342, Page 3, Section 137.106, Line 11, by inserting thereafter the following:

"208.556. 1. There is hereby established the "Missouri Senior Rx Program" within the division of aging in the department of health and senior services to help defray the costs of prescription drugs for elderly Missouri residents. The division shall provide technical assistance to the commission for the administration and implementation of the program. The commission shall solicit requests for proposals from private contractors for the third-party administration of the program; except that, the commission shall either administer the rebate program established in section 208.565 or contract with the division of medical services for such rebate program. The program shall be governed by the commission for the Missouri Senior Rx program established in section 208.553.

2. Administration of the program shall include, but not be limited to, devising program applications, enrolling participants, administration of prescription drug benefits, and implementation of cost-control measures, including such strategies as disease management programs, early refill edits, drug utilization review which includes retroactive approval systems, fraud and abuse detection system, and auditing programs. The commission shall select a responsive,

cost-effective bid from the requests for proposal; however, if no responsive, cost-effective bids are received, the program shall be administered collaboratively by the department of health and senior services and the department of social services.

3. Prescription drug benefits shall not include coverage of the following drugs or classes of drugs, or their medical uses:

- (1) Agents when used for anorexia or weight gain;
- (2) Agents when used to promote fertility;
- (3) Agents when used for cosmetic purposes or hair growth;
- (4) Agents when used for the symptomatic relief of cough and colds;
- (5) Agents when used to promote smoking cessation;
- (6) Prescription vitamins and mineral products, except prenatal vitamins and fluoride preparations;
- (7) Nonprescription drugs;
- (8) Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee;
- (9) Barbiturates;
- (10) Benzodiazepines.

4. Subject to appropriations, available funds and other cost-control measures authorized herein, any Missouri resident sixty-five years of age or older, who has not had access to employer-subsidized health care insurance that offers a pharmacy benefit for six months prior to application, who is not currently ineligible pursuant to subsection 8 of this section:

- (1) Who has a household income at or below twelve thousand dollars for an individual or at or below seventeen thousand dollars for a married couple is eligible to participate in the program; or
- (2) Who has a household income at or below seventeen thousand dollars for an individual or at or below twenty-three thousand dollars for a married couple is eligible to participate in the program.
- (3) However, the commission may restrict income eligibility limits as a last resort to obtain program cost control.

**Any senior in the state of Missouri may enroll in the program. After exceeding expenditures of twenty-five percent of his or her annual household income on prescription drugs as a deductible, a senior may qualify for participation in the program during a program year in which his or her household income minus the amount expended on prescription drugs is equal to or less than the limit required to qualify for participation in the program pursuant to this section.**

5. The commission shall have the authority to set and adjust coinsurance, deductibles and enrollment fees at different amounts pursuant to subdivisions (1) and (2) of subsection 4 of this section as a cost-containment measure.

6. Any person who has retired and received employer-sponsored health insurance while employed, but whose employer does not offer health insurance coverage to retirees shall not be subject to the six-month uninsured requirement.

7. The program established in this section is not an entitlement. Benefits shall be limited to the level supported by the moneys explicitly appropriated pursuant to this section. If in any fiscal year the commission projects that the total cost of the program will exceed the amount currently appropriated for the program, the commission may direct the third-party administrator to implement cost-control measures to reduce the projected cost. Such cost-control measures may include, but are not limited to, increasing the enrollment fees in subsection 12 of this section, the deductibles in subsection 11 of this section, and the coinsurance outlined in subsection 12 of this section. The Missouri Senior Rx program is a payer of last resort. If the federal government establishes a pharmaceutical assistance program that covers program-eligible seniors under Medicare or another program, the Missouri Senior Rx program shall cover only eligible costs not covered by the federal program.

8. Any person who is receiving Medicaid benefits shall not be eligible to participate in the program. The Missouri Senior Rx program is a payer of last resort. If a senior has coverage for pharmaceutical benefits through a health benefit plan, as defined in section 376.1350, RSMo, including a Medicare supplement or Medicare+Choice plan, or through a self-funded employee benefit plan, the Missouri Senior Rx program shall pay only for eligible costs not provided by such coverage. Individuals who have benefits with an actuarial value greater than or equal to the benefits in the program are not eligible for the program.

9. Applicants for the program shall submit an annual application to the division, or the division's designee, that attests to the age, residence, any third-party health insurance coverage, previous year prescription drug costs, annual household income for an individual or couple, if married, and any other information the commission deems necessary. The third-party administrator shall prescribe the form of the application for enrollment in the program, which shall be approved by the division. The commission shall develop and implement a means test by which applicants must

demonstrate that they meet the income requirement of the program. Information provided by applicants and enrollees pursuant to sections 208.550 to 208.571 is confidential and shall not be disclosed by the commission, the division or any other state agency or contractor therein in any form.

10. Nothing in this section shall be construed as requiring an applicant to accept Medicaid benefits in lieu of participation in this program.

11. The following deductibles shall apply to enrollees in the program:

(1) For an individual with a household income at or below twelve thousand dollars, the deductible shall, in the initial year, not be less than two hundred fifty dollars;

(2) For a married couple with a household income at or below seventeen thousand dollars, the deductible shall, in the initial year, not be less than two hundred fifty dollars for each person;

(3) For an individual with a household income between twelve thousand one dollars and seventeen thousand dollars, the deductible shall, in the initial year, not be less than five hundred dollars; and

(4) For a married couple with a household income between seventeen thousand one dollars and twenty-three thousand dollars, the deductible shall, in the initial year, not be less than five hundred dollars for each person.

12. For prescription drugs, enrollees shall pay a forty percent coinsurance. The division may implement a higher coinsurance at the recommendation of the commission. Such coinsurance may be adjusted annually by the commission and shall be used to reduce the state's cost for the program. In addition, each enrollee with an annual household income at or below twelve thousand dollars for an individual or at or below seventeen thousand dollars for a married couple shall pay, in the initial year, not less than an annual twenty-five dollar enrollment fee and each enrollee with a household income between twelve thousand one dollars and seventeen thousand dollars for an individual or at or below between seventeen thousand one dollars and twenty-three thousand dollars for a married couple shall pay, in the initial year, not less than an annual thirty-five dollar enrollment fee to offset the administrative costs of the program.

13. The total annual expenditures for each enrollee under this program may be up to but shall not exceed five thousand dollars for each participant.

14. In providing program benefits, the department may enter into a contract with a private individual, corporation or agency to implement the program.

15. The division shall utilize area agencies on aging, senior citizens centers, and other senior-focused entities to provide outreach, enrollment referral assistance, and education services to potentially eligible seniors for the Missouri Senior Rx program. The division and third-party administrators shall be responsible for informing eligible seniors on the availability of and providing information about pharmaceutical company benefits which may be applicable.

16. The commission shall submit quarterly reports to the governor, the senate appropriations committee, the house of representatives budget committee, the speaker of the house of representatives, the president pro tem of the senate, and the division that include:

(1) Quantified data as to the number of program applicants;

(2) An estimate of whether the current rate of expenditures will exceed the existing appropriation for the program in the current fiscal year; and

(3) Information regarding the commission's recommendations for changes to income eligibility, enrollment fees, coinsurance, deductibles, and benefit caps for enrollees in the program.

17. 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 sections 208.550 to 208.571 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. Sections 208.550 to 208.571 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.

18. Any person who knowingly makes any false statements, falsifies or permits to be falsified any records, or engages in conduct in an attempt to defraud the program is guilty of a misdemeanor and shall forfeit all rights to which he or she may be entitled hereunder."; and

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

Representative Zweifel moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 076

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Crowell	Curls	Darrough
Daus	Davis 122	Donnelly	Dougherty	Dusenberg
El-Amin	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	LeVota	Liese	Lowe	McKenna
Meiners	Merideth	Muckler	Page	Pratt
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Smith 14	Spreng
Thompson	Villa	Vogt	Walker	Walsh
Walton	Ward	Whorton	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Yates	Young
Zweifel				

NOES: 077

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Bough	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Cunningham 145	Davis 19
Decken	Dempsey	Dethrow	Dixon	Emery
Engler	Ervin	Goodman	Guest	Hobbs
Holand	Hunter	Ice	Jackson	Jetton
Kelly 144	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	May	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Smith 118	St. Onge	Stefanick
Stevenson	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wasson	Wilson 119	Wilson 130	Wood
Wright	Madam Speaker			

PRESENT: 004

Cunningham 86	Fares	Marsh	Sutherland
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ABSENT WITH LEAVE: 006

Black	Brown	Lawson	Shoemaker	Wagner
Wildberger				

**HCS HBs 517, 94, 149, 150 & 342, with HS, pending, was laid over.**

### MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 15** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Gross, Childers, Goode and Coleman.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SCS HCS HB 15:** Representatives Bearden, Lager, Roark, Riback Wilson (25) and Campbell

### **MESSAGES FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 57**, entitled:

An act to repeal section 130.026, RSMo, relating to filing of campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 136**, entitled:

An act to repeal section 115.127, RSMo, relating to filing requirements for declaration of candidacy, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 142**, entitled:

An act to repeal sections 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, and 88.073, RSMo, and to enact in lieu thereof thirty new sections relating to condemnation proceedings for towns and villages.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 186**, entitled:

An act to repeal section 59.041, RSMo, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 212 & 220**, entitled:



An act to repeal sections 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.720, and 86.745, RSMo, and to enact in lieu thereof thirteen new sections relating to police relief and pension systems.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 218**, entitled:

An act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 294**, entitled:

An act to repeal sections 313.057, 313.220, and 313.810, RSMo, and to enact in lieu thereof three new sections relating to licensing requirements.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 297**, entitled:

An act to amend chapter 250, RSMo, by adding thereto one new section relating to residential and commercial connections to state-operated sewer lines.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 330**, entitled:

An act to repeal sections 454.505 and 454.606, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 376**, entitled:

An act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroners.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 474**, entitled:

An act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to surcharges in civil case filings.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Wagner.

### ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, March 6, 2003.

### CORRECTIONS TO THE HOUSE JOURNAL

#### AFFIDAVITS

I, State Representative Mike Dethrow, District 153, hereby state and affirm that my vote as recorded on Page 527 of the House Journal for Tuesday, March 4, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 5th day of March 2003.

/s/ Mike Dethrow  
State Representative

State of Missouri                    )  
  ) ss.  
County of Cole                     )

Subscribed and sworn to before me this 5th day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Shannon Cooper, District 120, hereby state and affirm that my vote as recorded on Page 534 of the House Journal for Tuesday, March 4, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 5th day of March 2003.

/s/ Shannon Cooper  
State Representative

State of Missouri                    )  
  ) ss.  
County of Cole                     )

Subscribed and sworn to before me this 5th day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Kate Meiners, District 46, hereby state and affirm that my vote as recorded on Page 538 of the House Journal for Tuesday, March 4, 2003 showing that I voted aye was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 5th day of March 2003.

/s/ Kate Meiners  
State Representative

State of Missouri                    )  
  ) ss.  
County of Cole                    )

Subscribed and sworn to before me this 5th day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

## **COMMITTEE MEETINGS**

### **BUDGET**

Thursday, March 6, 2003. Hearing Room 3 upon morning adjournment.  
Committee recommendations on matters assigned regarding departmental budgets.

### **COMMUNICATIONS, ENERGY AND TECHNOLOGY**

Thursday, March 6, 2003. Hearing Room 6 upon morning adjournment. AMENDED NOTICE  
Executive Session may follow.  
Public Hearing to be held on: HB 404, HB 527

### **FINANCIAL SERVICES**

Tuesday, March 11, 2003, 12:00 p.m. Hearing Room 6.  
Possible Executive Session.  
Public Hearing to be held on: HB 243, HB 309, HB 353, HB 490, HB 559

### **HOMELAND SECURITY AND VETERANS AFFAIRS**

Tuesday, March 11, 2003, 5:00 p.m. Hearing Room 5.  
Executive Session to be held on: HB 46

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, March 6, 2003. Senate Committee Room 2 upon adjournment.  
12 CSR 10-2.045. Revenue-Director-Income Tax, MO Consolidated Inc.  
Tax Returns.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 6, 2003, 8:00 a.m. Hearing Room 7.  
First quarter meeting.

JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Thursday, March 6, 2003. Hearing Room 5 upon morning adjournment.  
Organizational meeting.

LOCAL GOVERNMENT

Thursday, March 6, 2003, 8:30 a.m. Hearing Room 6. AMENDED NOTICE  
Executive Session may follow.  
Public Hearing to be held on: HB 351, HB 388, HB 472, HB 521, HB 574

RETIREMENT

Thursday, March 6, 2003, 8:30 a.m. Hearing Room 7.  
Executive Session may follow.  
Public Hearing to be held on: HB 443, HB 456, HB 553, HB 557

RULES

Thursday, March 6, 2003, 8:30 a.m. Hearing Room 5.  
Executive Session may follow.  
Public Hearing to be held on: HR 477, HR 579, HR 690

TRANSPORTATION AND MOTOR VEHICLES

Thursday, March 6, 2003. Side gallery upon adjournment.  
Executive Session.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Thursday, March 6, 2003. Side gallery upon adjournment.  
Executive Session to be held on: HB 296, HB 414, HB 448, HB 576

**HOUSE CALENDAR**

THIRTY-THIRD DAY, THURSDAY, MARCH 6, 2003

**HOUSE BILLS FOR SECOND READING**

HB 596 through HB 613

**HOUSE BILLS FOR PERFECTION**

HCS HB 228 - Pearce  
HCS HB 156, HS, as amended, pending - Phillips  
HCS HB 132, 173, 117 & 48 - Wright  
HB 197 - Johnson (47)  
HCS HB 257 - Munzlinger  
HCS HB 322 - Baker  
HCS HB 410 - Schaaf  
HCS HB 517, 94, 149, 150 & 342, HS pending - Portwood

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 157 - Johnson (90)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2-27-03)

HCS HB 59 & 269 - Johnson (61)

(3-03-03)

HCS HB 202 - Portwood  
HB 247, HCA 1 - Ward  
HCS HB 253 - Shoemaker (8)  
HCS HB 277 - Wright  
HB 278 - Davis (19)  
HB 292 - Wagner  
HB 314, HCA 1 - Engler

**HOUSE BILLS FOR THIRD READING**

HCS HB 281 - Moore  
HCS HB 222, (Budget 3-04-03) - Luetkemeyer  
HS HCS HB 349, 120, 136 & 328 - Crawford

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 75 - Ruestman  
HCS HB 131 - Deeken  
HCS HB 152 & 180 - Johnson (47)  
HCS HB 166, E.C. - Baker  
HCS HB 181 - Seigfreid  
HB 187 - Cooper (120)

HB 208 - Engler

HB 286 - Bearden

HCS HB 245 - Marsh

**SENATE BILLS FOR SECOND READING**

SB 57

SB 136

SB 142

SB 186

SCS SB 212 & 220

SCS SB 218

SCS SB 294

SB 297

SB 330

SB 376

SB 474

**BILL IN CONFERENCE**

SCS HCS HB 15 - Bearden