

# Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—WEDNESDAY, MAY 2, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Terry Tastard wrote: "In true prayer there is a preparedness to cooperate with God, who is always seeking to draw the world towards his perfection. Prayer implies cooperation, and cooperation demands an alertness about what is going on in the world."

Gracious God, we had opportunities to pray with and share time with one another this morning. It helps us keep in focus that we share this world together with others who look to us to find ways to cooperate and seek to provide those things which can eliminate injustice and promote harmony in our daily work and living with each other. Help us dear God to be alert to such opportunities. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

|          |         |           |           |
|----------|---------|-----------|-----------|
| Bentley  | Bland   | Caskey    | Cauthorn  |
| Childers | DePasco | Dougherty | Foster    |
| Gibbons  | Goode   | Gross     | House     |
| Jacob    | Johnson | Kenney    | Kinder    |
| Klarich  | Klindt  | Loudon    | Mathewson |

|           |          |           |           |
|-----------|----------|-----------|-----------|
| Quick     | Rohrbach | Russell   | Schneider |
| Scott     | Sims     | Singleton | Staples   |
| Steelman  | Stoll    | Westfall  | Wiggins   |
| Yeckel—33 |          |           |           |

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Bentley offered Senate Resolution No. 719, regarding Crystal Emel, which was adopted.

Senator Goode offered Senate Resolution No. 720, regarding Chris Baucom, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 721

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the sudden and unexpected death of Charles Gordon Greene, of Lee's Summit and Hickman Mills; and

WHEREAS, Mr. Greene, a native of Aurora, Illinois, had served as Principal of Hickman Mills High School since 1992 and had been associated with that School District for 20 years; and

WHEREAS, Mr. Greene graduated from Imperial High School in Big Sandy, Texas, in 1969, where he was student body president and class valedictorian; and

WHEREAS, Mr. Greene attended Southwest Missouri State University, Springfield, Missouri, where he received his B.S. and M.S. Degrees and his Educational Specialist Degrees; and

WHEREAS, Mr. Greene served as a teacher in Bolivar and North Kansas City, Missouri, and in Kansas City, Kansas, before joining the Hickman Mills School District; and

WHEREAS, Mr. Greene, as principal of Hickman Mills High School, became a legend in his own time because of his remarkable relationship with his students and their parents and his fellow teachers and administrators, and remarkably innovative programs such as the ROTC, Block Scheduling Interdisciplinary Team

Teaching, and the A+ Program;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a remarkable educator, Charles Gordon Greene, express their appreciation for his lifetime of good citizenship, and his contributions to education and the future leaders of our communities and country, and extend to the Hickman Mills School District, his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of his family, the Hickman Mills School District and the student body of Hickman Mills High School.

**HOUSE BILLS ON THIRD READING**

**HB 742**, with **SCS**, introduced by Representative Harding, et al, entitled:

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was called from the Consent Calendar and taken up by Senator Johnson.

**SCS** for **HB 742**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 742**

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was taken up.

Senator Johnson moved that **SCS** for **HB 742** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HB 742** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

|           |          |          |           |
|-----------|----------|----------|-----------|
| Caskey    | Cauthorn | Childers | DePasco   |
| Dougherty | Foster   | Gibbons  | Goode     |
| Gross     | House    | Johnson  | Kenney    |
| Kinder    | Klarich  | Klindt   | Loudon    |
| Mathewson | Quick    | Rohrbach | Russell   |
| Schneider | Scott    | Sims     | Singleton |
| Stelman   | Stoll    | Westfall | Wiggins   |
| Yeckel—29 |          |          |           |

**NAYS—Senators—None**

**Absent—Senators**

|         |       |       |           |
|---------|-------|-------|-----------|
| Bentley | Bland | Jacob | Staples—4 |
|---------|-------|-------|-----------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

**HB 922**, introduced by Representatives Gaskill and Bartelsmeyer, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to annexation by certain cities.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HB 922** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

|         |           |          |           |
|---------|-----------|----------|-----------|
| Bland   | Caskey    | Cauthorn | Childers  |
| DePasco | Dougherty | Foster   | Gibbons   |
| Goode   | Gross     | House    | Johnson   |
| Kenney  | Kinder    | Klarich  | Klindt    |
| Loudon  | Mathewson | Quick    | Rohrbach  |
| Russell | Schneider | Sims     | Singleton |
| Staples | Stelman   | Stoll    | Westfall  |
| Wiggins | Yeckel—30 |          |           |

**NAYS—Senators—None**

**Absent—Senators**

|         |       |         |
|---------|-------|---------|
| Bentley | Jacob | Scott—3 |
|---------|-------|---------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

**HB 909**, introduced by Representative Davis, entitled:

An Act to authorize the exchange of property interest owned by the department of natural resources and the City of Lexington.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 909** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Bland     | Caskey    | Cauthorn | Childers  |
| DePasco   | Dougherty | Foster   | Goode     |
| Gross     | Jacob     | Johnson  | Kenney    |
| Kinder    | Klarich   | Klindt   | Loudon    |
| Mathewson | Quick     | Rohrbach | Schneider |
| Sims      | Staples   | Steelman | Westfall  |
| Wiggins   | Yeckel—26 |          |           |

NAYS—Senators—None

Absent—Senators

|         |           |         |         |
|---------|-----------|---------|---------|
| Bentley | Gibbons   | House   | Russell |
| Scott   | Singleton | Stoll—7 |         |

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

**HB 779**, introduced by Representative Barnett, entitled:

An Act to authorize the conveyance of property interest owned by Northwest Missouri State University to the Missouri National Guard and the City of Maryville.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 779** was read the 3rd time and passed by the following vote:

YEAS—Senators

|            |         |           |          |
|------------|---------|-----------|----------|
| Bentley    | Bland   | Caskey    | Cauthorn |
| Childers   | DePasco | Dougherty | Foster   |
| Goode      | Gross   | House     | Jacob    |
| Johnson    | Kenney  | Kinder    | Klarich  |
| Klindt     | Loudon  | Mathewson | Quick    |
| Rohrbach   | Russell | Schneider | Scott    |
| Sims       | Staples | Steelman  | Westfall |
| Wiggins—29 |         |           |          |

NAYS—Senators—None

Absent—Senators

|         |           |       |          |
|---------|-----------|-------|----------|
| Gibbons | Singleton | Stoll | Yeckel—4 |
|---------|-----------|-------|----------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

**HB 600**, introduced by Representatives Hosmer and Marsh, entitled:

An Act to authorize the conveyance of certain property between the board of governors of Southwest Missouri State University and the Southwest Missouri Ecumenical Center.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 600** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |         |           |           |
|-----------|---------|-----------|-----------|
| Bentley   | Bland   | Caskey    | Cauthorn  |
| Childers  | DePasco | Dougherty | Foster    |
| Gibbons   | Goode   | Gross     | House     |
| Jacob     | Johnson | Kenney    | Kinder    |
| Klarich   | Klindt  | Loudon    | Mathewson |
| Rohrbach  | Russell | Scott     | Sims      |
| Singleton | Staples | Steelman  | Stoll     |
| Westfall  | Wiggins | Yeckel—31 |           |

NAYS—Senators—None

Absent—Senators

Quick Schneider—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

**HB 596**, introduced by Representatives Kennedy and Gambaro, entitled:

An Act to repeal section 100.331, RSMo 2000, relating to certain governmental authorities in cities not within a county, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 596** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Bentley  | Bland     | Caskey    | Cauthorn  |
| Childers | DePasco   | Dougherty | Foster    |
| Gibbons  | Goode     | Gross     | House     |
| Jacob    | Johnson   | Kenney    | Kinder    |
| Klarich  | Klindt    | Loudon    | Mathewson |
| Quick    | Rohrbach  | Russell   | Scott     |
| Sims     | Singleton | Staples   | Steelman  |
| Stoll    | Westfall  | Wiggins   | Yeckel—32 |

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Jacob moved that **SB 227**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 227**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 227**

An Act to repeal section 461.073, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob moved that **HCS** for **SB 227** be adopted, which motion prevailed by the following vote:

YEAS—Senators

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Bentley  | Bland     | Cauthorn  | Childers  |
| DePasco  | Dougherty | Foster    | Gibbons   |
| Goode    | Gross     | House     | Jacob     |
| Johnson  | Kenney    | Kinder    | Klarich   |
| Klindt   | Loudon    | Mathewson | Quick     |
| Rohrbach | Russell   | Schneider | Scott     |
| Sims     | Singleton | Staples   | Steelman  |
| Stoll    | Westfall  | Wiggins   | Yeckel—32 |

NAYS—Senator Caskey—1

Absent—Senators—None

Absent with leave—Senator Carter—1

On motion of Senator Jacob, **HCS** for **SB 227** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Bentley  | Bland     | Cauthorn  | Childers  |
| DePasco  | Dougherty | Foster    | Gibbons   |
| Goode    | Gross     | House     | Jacob     |
| Johnson  | Kenney    | Kinder    | Klarich   |
| Klindt   | Loudon    | Mathewson | Quick     |
| Rohrbach | Schneider | Sims      | Singleton |
| Staples  | Steelman  | Stoll     | Westfall  |
| Wiggins  | Yeckel—30 |           |           |

NAYS—Senator Caskey—1

Absent—Senators

Russell                Scott—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 375**; **SS** for **SCS** for **SBs 510, 512** and **133**; **SCS** for **SB 578**; and **HS** for **HCS** for **HB 762**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

### HOUSE BILLS ON THIRD READING

**HB 949**, with **SCS**, introduced by Representative Barry, entitled:

An Act to repeal section 197.285, RSMo 2000, and to enact in lieu thereof one new section relating to hospital whistle-blower protections.

Was taken up by Senator Sims.

**SCS** for **HB 949**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 949

An Act to repeal sections 197.285, 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366 and 197.367, RSMo 2000, relating to health care, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty

provisions.

Was taken up.

Senator Sims moved that **SCS** for **HB 949** be adopted.

Senator Sims offered **SS** for **SCS** for **HB 949**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 949

An Act to repeal sections 197.285, 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366 and 197.367 RSMo 2000, relating to health care, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **HB 949** be adopted.

Senator Singleton raised the point of order that **SS** for **SCS** for **HB 949** is out of order as the **SS** goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Singleton raised the point of order that **SCS** for **HB 949** is out of order as the **SCS** goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken, stating it was not timely.

**SS** for **SCS** for **HB 949** was again taken up.

Senator Caskey offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting immediately after said line:

**“Section 1. 1. The department of economic development shall conduct a study on the economic impact of Missouri’s certificate of**

need program for the period beginning January 1, 1980, and ending June 1, 2001, with an emphasis on the investigation of those projects rejected by the health facilities review committee during such period and those projects withdrawn from consideration. The study shall:

(1) Quantify the costs to Missouri health providers associated with compliance with Missouri's certificate of need program during such period, including a study of the amounts paid for certificate of need filing fees and fees to consultants, attorneys and lobbyists by applicants for projects approved by the health facilities review committee during such period;

(2) Include results of targeted focus groups and personal interviews with hospital, physician and nursing home applicants to the certificate of need program to determine the impact of compliance with the certificate of need program on the private health planning process;

(3) Determine the economic impact of Missouri's certificate of need program in those areas of the state where bordering states have lesser or no certificate of need requirements, including quantifying lost jobs and revenue to the state of Missouri as a result of health care projects and facilities that located outside Missouri as a result of Missouri's certificate of need requirements; and

(4) Estimate the loss of competitive alternative health care facilities to Missouri's citizens as a result of the certificate of need program.

2. In conducting the study, the department may engage the services of consulting engineering firms, certified public accountants and health care consultants.

3. The department of economic development shall submit the completed study to the governor and general assembly by May 1, 2002."; and

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

Senator Caskey moved that the above

amendment be adopted, which motion prevailed.

Senator Klarich offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting immediately after said line the following:

"Section 1. 1. There is hereby created within the office of the governor a "Child Custody Abuse and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, and educator, the chairman of the children's services commission, a division of family services designee, and three citizens of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide

**funding, administrative support, and staff for the effective operation of the commission.**

**6. This section shall expire on August 28, 2004.”; and**

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 7, Section 197.376.2(1), Line 14, by deleting the word “seven” and inserting in lieu thereof the word “five”; and

Further amend said section, line 24, by replacing the period “.” at the end of said line with a comma “,”; and by inserting the following:

“(4) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(5) Two members of the house of representatives appointed by the speaker who shall be from different political parties.”.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Caskey offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 7, Section 197.376, Line 15, by deleting “**four**” and inserting in lieu thereof “**three**”; and further amend said section, line 16, by deleting “**Four**” and inserting in lieu thereof “**Three**”; and further amend said section, line 17, by deleting “**three**” on said line and inserting in lieu thereof “**two**”.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 5:**

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting after all of said line the following:

“198.531. 1. The division of aging, in collaboration with qualified Missouri schools and universities, shall establish an aging-in-place pilot program at a maximum of four selected sites throughout the state which will provide a continuum of care for elders who need long-term care. One aging-in-place pilot program shall be at a thirty-five bed facility in a county of the first classification without a charter form of government with a population of at least ninety thousand but not more than one hundred thousand and a county of the first classification with a population of at least forty-two thousand but less than forty-five thousand and a county of the third classification without a township form of government with a population of at least sixteen thousand nine hundred but less than seventeen thousand, **and one in Northeast Missouri**. For purposes of this section, “qualified Missouri schools and universities” means any Missouri school or university which has a school of nursing, a graduate nursing program, or any other similar program or specialized expertise in the areas of aging, long-term care or health services for the elderly.

2. The pilot program shall:

(1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;

(2) Base licensure on services provided rather than on facility type; and

(3) Be established in selected urban, rural and regional sites throughout the state.

3. The directors of the division of aging and division of medical services shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.

4. The division of aging shall monitor the pilot

program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.

5. The division of aging may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 1, Section A, Line 9 of said page, by inserting after all of said line the following:

**“191.940. 1. For the 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) “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;**

**(3) “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;**

**(4) “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;**

**(5) “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, 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 of the person to whom such**



information pertains or such person's authorized representative, if:

(1) The nonpublic personal health information is disclosed to an affiliate or other third party in exchange for consideration; 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, including, but not limited to, 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) Unrelated to any legitimate objective regarding 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.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be fined not more than five hundred dollars for each violation of this section and may be liable in a civil action for damages or equitable relief. Any violation under this subsection may be enforced by a state agency responsible for regulating the person or by the attorney general.

5. To the extent a person other than a licensee is subject to and complies with all requirements of 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 not be in violation of 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 not be in violation of 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 not be in violation of this section.

8. Notwithstanding the provisions of subsections 5, 6 and 7 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 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 unfair trade practices pursuant to sections 375.930 to 375.948, RSMo.

10. There shall be established a "Commission on Health Information Privacy" to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one

**representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.**

**(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties.”; and**

Further amend said bill, Page 32, Section 197.367, Line 27, by inserting after all of said line the following:

“Section B. The enactment of section 191.940 of this act shall become effective January 1, 2002.”; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 6** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 6** was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Caskey, Klarich and Scott.

**SA 6** failed of adoption by the following vote:

YEAS—Senators

|           |            |           |          |
|-----------|------------|-----------|----------|
| Bland     | Caskey     | Dougherty | House    |
| Jacob     | Johnson    | Mathewson | Russell  |
| Schneider | Scott      | Singleton | Steelman |
| Stoll     | Wiggins—14 |           |          |

NAYS—Senators

|           |          |          |          |
|-----------|----------|----------|----------|
| Bentley   | Cauthorn | Childers | DePasco  |
| Foster    | Gibbons  | Goode    | Gross    |
| Kenney    | Kinder   | Klarich  | Klindt   |
| Loudon    | Rohrbach | Sims     | Westfall |
| Yeckel—17 |          |          |          |

Absent—Senators

Quick Staples—2

Absent with leave—Senator Carter—1

Senator Caskey offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting after said line:

**“Section 1. The provisions of sections 197.370 to 197.398 shall expire on December 31, 2003.”.**

Senator Caskey moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Sims, **HB 949**, with **SCS, SS** for **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HBs 144** and **46**, with **SCS**; and **HB 80**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 491**: Senators Goode, Gibbons, Schneider, Sims and Yeckel.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HS** for **HB 555**—Pensions and General Laws.

**HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**—Civil and Criminal Jurisprudence.

**HS** for **HB 736**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**HCS** for **HB 428**—Civil and Criminal Jurisprudence.

**HB 592**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**: Representatives Green (73), Bonner, Ford, Legan, Purgason.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 18**, as amended: Representatives Green (73), Graham, Ford, Legan, Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 19**: Representatives Green (73), Graham, Ford, Shields, Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 212** and has taken up and passed **SCS** for **HB 212**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 603** and has taken up and passed **SCS** for **HB 603**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 644** and has taken up and passed **SCS** for **HB 644**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 693** and has taken up and passed **SCS** for **HB 693**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 780**, entitled:

An Act to repeal sections 67.1300, 67.1360, 135.205, 135.208, 135.230, 135.305, 135.411, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 208.770, 447.700 and 620.145, RSMo 2000, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to programs administered by the department of economic development, and to enact in lieu thereof twenty-three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 4**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 193**, entitled:

An Act to repeal sections 148.400, 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, and to enact in lieu thereof thirty-one new sections relating to insurance producers, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Line 57, by striking the word “**exiting**” and inserting in lieu thereof the word “**existing**”; and

Further amend said bill, page 19, section 375.023, line 1, by striking the following: “**375.023.1.**” and inserting in lieu thereof the following: “**5.**”; and

Further amend said bill, pages 20 and 21, by renumbering the subsections and amending the intersectional references accordingly; and

Further amend said bill, page 27, section 375.076, line 10, by inserting immediately after the word “**person**” the word “**for**”; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 6, Section

375.014, Lines 56 to 59, by deleting all of said lines and inserting in lieu thereof the following:

“(9) **Employees who are responding to specific requests from existing policyholders on existing policies, but who provide no counsel, advice, suggestion or opinion with respect to the coverage, terms or conditions of the insurance contract, provided that such employees do not sell, solicit or negotiate insurance and are not compensated based on the number of policy changes that may result or the volume of premiums that may be generated from these services.**”.

In which the concurrence of the Senate is respectfully requested.

#### RESOLUTIONS

Senator Caskey offered Senate Resolution No. 722, regarding Beverly R. Grimsley, Adrian, which was adopted.

Senator Yeckel offered Senate Resolution No. 723, regarding Christopher Michael “Chris” Roeseler, St. Louis, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

Photographers from KMIZ-TV and KYTV were given permission to take pictures in the Senate Chamber today.

#### HOUSE BILLS ON THIRD READING

**HB 788**, introduced by Representative O’Connor, entitled:

An Act to repeal sections 407.1000, 407.1005, 407.1010, 407.1015 and 407.1020, RSMo 2000, relating to motorcycle franchise practices.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HB 788** was read the 3rd time and passed by the following vote:

## YEAS—Senators

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Caskey   | Cauthorn  | DePasco   | Dougherty |
| Foster   | Goode     | Gross     | House     |
| Johnson  | Kenney    | Kinder    | Klarich   |
| Klindt   | Loudon    | Mathewson | Scott     |
| Sims     | Singleton | Staples   | Steelman  |
| Westfall | Wiggins   | Yeckel—23 |           |

## NAYS—Senators—None

## Absent—Senators

|           |          |          |         |
|-----------|----------|----------|---------|
| Bentley   | Bland    | Childers | Gibbons |
| Jacob     | Quick    | Rohrbach | Russell |
| Schneider | Stoll—10 |          |         |

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

**HB 502**, introduced by Representative Ward, entitled:

An Act to authorize the governor to convey certain property in St. Francois County which is part of the Southeast Missouri Mental Health Center to the American Legion.

Was called from the Consent Calendar and taken up by Senator Staples.

Senator Staples requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Staples offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Bill No. 502, Page 1, Section 1, Lines 5-11, by striking all of said lines and inserting in lieu thereof the following:

**“Part of Lots 75, 76 and Wm. Alexander 300 Acre Tract of F.W. Rohlands Subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, St.**

**Francois County, Missouri.**

**Commencing at an old iron pin marking the Northwest corner of Lot 62 of F.W. Rohlands subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, thence South 27° 55' 00" West 1,469.86' feet to a found R/W marker on the South right-of-way (ROW) of Missouri Route “W” being the point of beginning of the following described tract; said point of beginning also being the point of beginning of a (.68) Acre tract conveyed to the American Legion Post 416; thence South 24° 50' 24" East 300.00' along the east line of said tract to a point marking the eastern most corner of said tract; thence South 51° 03' 24" West 102.36' feet to a point marking the southern most corner of said tract and being on the east line of a tract N/F USARC TRAINING CENTER; thence South 24° 50' 24" East 75.00' feet along the east line of said training center to a point; thence departing said east line of said tract North 51° 03' 24" East 207.72' feet to a point; thence North 20° 45' 47" West 350.75' to a point on the south right-of-way of said Route “W”; thence South 65° 11' 39" West 125.00' feet along said right-of-way line to the point of beginning, and containing 1.11 acres more or less.”; and further amend by renumbering the remaining subsection accordingly.**

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 502**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

|           |           |          |          |
|-----------|-----------|----------|----------|
| Caskey    | Cauthorn  | Childers | DePasco  |
| Dougherty | Foster    | Gibbons  | Goode    |
| Gross     | House     | Jacob    | Johnson  |
| Kenney    | Kinder    | Klarich  | Klindt   |
| Loudon    | Mathewson | Quick    | Rohrbach |

|         |           |       |           |
|---------|-----------|-------|-----------|
| Russell | Schneider | Scott | Singleton |
| Staples | Steelman  | Stoll | Westfall  |
| Wiggins | Yeckel—30 |       |           |

NAYS—Senators—None

Absent—Senators

|         |       |        |
|---------|-------|--------|
| Bentley | Bland | Sims—3 |
|---------|-------|--------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

**HB 410**, introduced by Representative Holt, et al, entitled:

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 410** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |          |           |
|----------|-----------|----------|-----------|
| Bentley  | Caskey    | Cauthorn | Childers  |
| DePasco  | Dougherty | Foster   | Gibbons   |
| Gross    | House     | Jacob    | Johnson   |
| Kenney   | Kinder    | Klarich  | Klindt    |
| Loudon   | Mathewson | Quick    | Rohrbach  |
| Russell  | Schneider | Scott    | Staples   |
| Steelman | Westfall  | Wiggins  | Yeckel—28 |

NAYS—Senators—None

Absent—Senators

|         |       |      |           |
|---------|-------|------|-----------|
| Bland   | Goode | Sims | Singleton |
| Stoll—5 |       |      |           |

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator House, title to the bill

was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

**HB 408**, introduced by Representative Kelley (47), entitled:

An Act to repeal section 214.030, RSMo 2000, relating to grave lot conveyances and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kenney.

On motion of Senator Kenney, **HB 408** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |           |          |
|----------|-----------|-----------|----------|
| Bentley  | Bland     | Caskey    | Cauthorn |
| Childers | DePasco   | Foster    | Gibbons  |
| Goode    | Gross     | House     | Jacob    |
| Johnson  | Kenney    | Kinder    | Klarich  |
| Klindt   | Loudon    | Mathewson | Quick    |
| Rohrbach | Russell   | Schneider | Scott    |
| Staples  | Steelman  | Stoll     | Westfall |
| Wiggins  | Yeckel—30 |           |          |

NAYS—Senators—None

Absent—Senators

|           |      |             |
|-----------|------|-------------|
| Dougherty | Sims | Singleton—3 |
|-----------|------|-------------|

Absent with leave—Senator Carter—1

President Maxwell assumed the Chair.

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 510, 512** and **133**, introduced by Senator Kenney, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 510, 512 and 133

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo 2000, relating to charter schools, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Kenney, **SS** for **SCS** for **SBs 510, 512 and 133** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |           |          |          |
|-----------|-----------|----------|----------|
| Bentley   | Cauthorn  | Childers | DePasco  |
| Dougherty | Foster    | Gibbons  | Goode    |
| Gross     | House     | Jacob    | Johnson  |
| Kenney    | Kinder    | Klarich  | Klindt   |
| Loudon    | Mathewson | Quick    | Rohrbach |
| Russell   | Schneider | Scott    | Sims     |
| Singleton | Steelman  | Stoll    | Westfall |
| Wiggins   | Yeckel—30 |          |          |

NAYS—Senators

|       |          |
|-------|----------|
| Bland | Caskey—2 |
|-------|----------|

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

|           |           |          |          |
|-----------|-----------|----------|----------|
| Bentley   | Cauthorn  | Childers | DePasco  |
| Dougherty | Foster    | Gibbons  | Goode    |
| Gross     | House     | Jacob    | Johnson  |
| Kenney    | Kinder    | Klarich  | Klindt   |
| Loudon    | Mathewson | Quick    | Rohrbach |
| Russell   | Schneider | Scott    | Sims     |
| Singleton | Steelman  | Stoll    | Westfall |
| Wiggins   | Yeckel—30 |          |          |

NAYS—Senators

|       |          |
|-------|----------|
| Bland | Caskey—2 |
|-------|----------|

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 578

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS** for **SB 578** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |         |           |           |
|-----------|---------|-----------|-----------|
| Bentley   | Bland   | Caskey    | Cauthorn  |
| Childers  | DePasco | Dougherty | Foster    |
| Gibbons   | Goode   | Gross     | House     |
| Jacob     | Johnson | Kenney    | Kinder    |
| Klarich   | Klindt  | Loudon    | Mathewson |
| Rohrbach  | Russell | Schneider | Sims      |
| Singleton | Staples | Steelman  | Stoll     |
| Westfall  | Wiggins | Yeckel—31 |           |

NAYS—Senators—None

Absent—Senators

|       |         |
|-------|---------|
| Quick | Scott—2 |
|-------|---------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 375**, introduced by Senator

Steelman, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 375

An Act to repeal sections 58.451, 58.740, 188.015, 188.052, 188.055, 188.070, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo 2000, relating to public records, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

On motion of Senator Steelman, **SS** for **SCS** for **SB 375** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |           |           |          |
|-----------|-----------|-----------|----------|
| Bentley   | Cauthorn  | Childers  | DePasco  |
| Dougherty | Foster    | Gibbons   | Goode    |
| Gross     | House     | Jacob     | Johnson  |
| Kenney    | Kinder    | Klarich   | Klindt   |
| Loudon    | Mathewson | Quick     | Rohrbach |
| Russell   | Schneider | Singleton | Staples  |
| Steelman  | Stoll     | Westfall  | Wiggins  |
| Yeckel—29 |           |           |          |

NAYS—Senators

|       |        |       |        |
|-------|--------|-------|--------|
| Bland | Caskey | Scott | Sims—4 |
|-------|--------|-------|--------|

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 27**, introduced by Senator Johnson, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 27

An Act to repeal sections 273.325, 273.327,

273.329, 273.342, 273.352, 273.357, 322.010, 578.012 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Johnson, **SS** for **SCS** for **SB 27** was read the 3rd time and passed by the following vote:

YEAS—Senators

|         |           |         |           |
|---------|-----------|---------|-----------|
| Bland   | Caskey    | DePasco | Dougherty |
| Foster  | Gibbons   | Goode   | Gross     |
| House   | Jacob     | Johnson | Kenney    |
| Kinder  | Klarich   | Loudon  | Mathewson |
| Quick   | Rohrbach  | Russell | Scott     |
| Sims    | Staples   | Stoll   | Westfall  |
| Wiggins | Yeckel—26 |         |           |

NAYS—Senators

|            |          |        |           |
|------------|----------|--------|-----------|
| Cauthorn   | Childers | Klindt | Singleton |
| Steelman—5 |          |        |           |

Absent—Senators

|         |             |
|---------|-------------|
| Bentley | Schneider—2 |
|---------|-------------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 387**; **SCS** for **SBs 42** and **108**; **HCS** for **HBs 205, 323** and **549**, with **SCS**; **HCS** for **HB 207**, with **SCA 1**; **SCS** for **HCS** for **HBs 302** and **38**; **HB 471**, with **SCS**; and **HCS** for **HB 567**, with **SCS**, begs leave to report that it has



considered the same and recommends that the bills do pass.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Kenney submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 70**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 70, Page 1, In the Title, Line 3, by striking “one new section” and insert in lieu thereof “four new sections”; and further amend said bill and page, section A, line 1, by striking “one new section” and inserting in lieu thereof “four new sections”; and further amend line 2, by striking “section 302.020” and insert in lieu thereof “sections 302.020, 1, 2 and 3”; and

Further amend said bill, page 2, section 302.020, line 35, by inserting after all of said line the following:

**“Section 1. Upon the effective date of this section and upon renewal of any motorcycle or motortricycle license, the department of public safety shall mail a brochure to a person licensed to ride motorcycles and motortricycles regarding the benefits associated with wearing a helmet.**

**Section 2. The department of public safety shall establish a program to track the costs to the state associated with injuries sustained due to a person not wearing a motorcycle helmet.**

**Section 3. The department of public safety shall conduct a study of states which have repealed helmet laws and the difference in cost to the state both prior and after the change in helmet law.”.**

#### HOUSE BILLS ON THIRD READING

Senator Westfall moved that **SCS for HCS for HBs 302 and 38**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Westfall, **SCS for HCS for HBs 302 and 38**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Bentley   | Caskey    | Cauthorn | Childers  |
| DePasco   | Dougherty | Foster   | Gibbons   |
| Gross     | House     | Jacob    | Johnson   |
| Kenney    | Kinder    | Klarich  | Klindt    |
| Loudon    | Mathewson | Quick    | Rohrbach  |
| Schneider | Scott     | Sims     | Singleton |
| Staples   | Steelman  | Stoll    | Westfall  |
| Wiggins   | Yeckel—30 |          |           |

#### NAYS—Senator Bland—1

#### Absent—Senators

Goode Russell—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

|           |           |           |          |
|-----------|-----------|-----------|----------|
| Bentley   | Caskey    | Cauthorn  | Childers |
| DePasco   | Dougherty | Foster    | Gibbons  |
| Goode     | Gross     | House     | Jacob    |
| Johnson   | Kenney    | Kinder    | Klarich  |
| Klindt    | Loudon    | Mathewson | Quick    |
| Rohrbach  | Russell   | Scott     | Sims     |
| Singleton | Staples   | Steelman  | Stoll    |
| Westfall  | Wiggins   | Yeckel—31 |          |

#### NAYS—Senators—None

#### Absent—Senators

Bland Schneider—2

Absent with leave—Senator Carter—1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SCS for SB 387**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 387

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS for SB 387** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |            |          |
|----------|-----------|------------|----------|
| Bentley  | Caskey    | Cauthorn   | Childers |
| DePasco  | Dougherty | Foster     | Gibbons  |
| Goode    | Gross     | House      | Jacob    |
| Johnson  | Kenney    | Kinder     | Klarich  |
| Klindt   | Loudon    | Mathewson  | Quick    |
| Rohrbach | Russell   | Schneider  | Scott    |
| 1. Sims  | Singleton | Staples    | Steelman |
| Stoll    | Westfall  | Wiggins—31 |          |

NAYS—Senators—None

Absent—Senators

Bland            Yeckel—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

|          |           |           |          |
|----------|-----------|-----------|----------|
| Bland    | Caskey    | Cauthorn  | Childers |
| DePasco  | Dougherty | Foster    | Gibbons  |
| Goode    | Gross     | House     | Jacob    |
| Johnson  | Kenney    | Kinder    | Klarich  |
| Klindt   | Loudon    | Mathewson | Quick    |
| Rohrbach | Russell   | Schneider | Scott    |
| Sims     | Singleton | Staples   | Steelman |
| Stoll    | Wiggins   | Yeckel—31 |          |

NAYS—Senators—None

Absent—Senators

Bentley            Westfall—2

Absent with leave—Senator Carter—1

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

**SCS for SBs 42 and 108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 42 and 108

An Act to repeal section 160.261, RSMo 2000, relating to public education, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SCS for SBs 42 and 108** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| Bentley   | Bland     | Caskey    | Cauthorn  |
| Childers  | DePasco   | Dougherty | Foster    |
| Gibbons   | Gross     | House     | Jacob     |
| Johnson   | Kenney    | Kinder    | Klindt    |
| Loudon    | Mathewson | Quick     | Rohrbach  |
| Schneider | Scott     | Sims      | Singleton |
| Staples   | Steelman  | Stoll     | Westfall  |
| Wiggins   | Yeckel—30 |           |           |

NAYS—Senators—None

Absent—Senators

Goode            Klarich            Russell—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Bentley  | Bland     | Caskey    | Cauthorn  |
| Childers | DePasco   | Dougherty | Foster    |
| Gibbons  | Goode     | Gross     | House     |
| Jacob    | Kenney    | Kinder    | Klindt    |
| Loudon   | Mathewson | Quick     | Rohrbach  |
| Russell  | Scott     | Sims      | Staples   |
| Steelman | Stoll     | Wiggins   | Yeckel—28 |

NAYS—Senator Singleton—1

Absent—Senators

Johnson Klarich Schneider Westfall—4

Absent with leave—Senator Carter—1

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 207, with SCA 1, entitled:**

An Act to repeal sections 34.115 and 313.835, and to enact in lieu thereof two new sections relating to the veterans’ commission capital improvement trust fund, with an emergency clause.

Was taken up by Senator Childers.

**SCA 1** was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 44, by inserting immediately after the word “organization” the following: “, or **municipal government agency**”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 51 of said page, by inserting at the end of said line the following:

**“(f) For payment of Missouri national guard and Missouri veterans’ commission expenses associated with providing medals, medallions and certificates in recognition of service in the**

**armed forces of the United States during World War II pursuant to sections 42.170 to 42.190, RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay for the buglers at veteran burials; and**

**(g) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I.”.**

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **HCS for HB 207**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |           |           |          |
|-----------|-----------|-----------|----------|
| Bentley   | Bland     | Caskey    | Cauthorn |
| Childers  | DePasco   | Foster    | Gibbons  |
| Goode     | Gross     | House     | Jacob    |
| Johnson   | Kenney    | Kinder    | Klarich  |
| Klindt    | Mathewson | Quick     | Rohrbach |
| Russell   | Schneider | Scott     | Sims     |
| Singleton | Staples   | Steelman  | Stoll    |
| Westfall  | Wiggins   | Yeckel—31 |          |

NAYS—Senators—None

Absent—Senators

Dougherty Loudon—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

|           |        |          |           |
|-----------|--------|----------|-----------|
| Bland     | Caskey | Cauthorn | Childers  |
| DePasco   | Foster | Gibbons  | Goode     |
| Gross     | House  | Jacob    | Johnson   |
| Kenney    | Kinder | Klarich  | Klindt    |
| Mathewson | Quick  | Rohrbach | Russell   |
| Schneider | Scott  | Sims     | Singleton |

Staples            Steelman            Westfall            Wiggins  
Yeckel—29

NAYS—Senators—None

Absent—Senators  
Bentley            Dougherty            Loudon            Stoll—4

Absent with leave—Senator Carter—1

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

**HB 80**, with **SCS**, introduced by Representative Ross, entitled:

An Act to amend chapter 70, RSMo, relating to multijurisdictional antifraud enforcement, by adding thereto four new sections relating to the same subject.

Was taken up by Senator Kenney.

**SCS** for **HB 80**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 80

An Act to amend chapters 67 and 70, RSMo, by adding thereto twenty-four new sections relating to the law enforcement organization, with an emergency clause.

Was taken up.

Senator Kenney moved that **SCS** for **HB 80** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

“478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be

elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

**3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.”; and**

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting after all of said line the following:

“32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family** based on a specific request for such information from any person. Any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo**, may notify the department of such status and the department shall protect the confidentiality of the records on such a person **and his or her immediate family** as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 **or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and**

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: “relating to law enforcement, with penalty provisions and an emergency clause.”; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after said line the following:

“570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, [he] **the person** makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) [He] **The person** makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in [his] **that** account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any

ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action [under] **pursuant to** the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be [five dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one hundred dollars, and twenty-five dollars for checks of one hundred dollars or more.] **twenty-five dollars for any bad check. For checks of one hundred dollars or more and additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed one hundred dollars total.** Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney and employees' salaries.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. Notwithstanding any other provisions of law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check.

7. In all cases where a prosecutor receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the prosecutor, if he determines there is a violation of this section, shall file an information or seek an indictment within sixty days of such notice and may file an information or seek an indictment thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and if he determines there is sufficient evidence shall further prosecute such cases.

8. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check.”; and

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

Senator DePasco moved that the above amendment be adopted.

Senator Kenney offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Bill No. 80, Page 3, Section 570.120, Line 3, by deleting the opening bracket on line 3 and the closing bracket on line 6. Also delete the new language on line 6. Further amend line 9, by deleting the words “one hundred” and insert in lieu thereof the word “fifty”.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

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

**(a) To the surviving spouse;**

**(b) If there is no surviving spouse, to the surviving children to be shared equally;**

**(c) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.**

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

**3. As used in this section, “dies in the line of duty” refers to a death that occurs as a direct result of a personal injury or illness resulting from any action of a public safety officer, whose**

primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule regulation or condition of employment or service to perform.”; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 5:

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting immediately after said line the following:

**“43.153. 1. A “Highway Patrol Oversight Commission” is hereby created, which shall review and evaluate the laws and general orders relating to public complaints, internal grievances and discipline of officers of the Missouri state highway patrol, review procedures to recruit and retain women and minority officers and troopers, and make recommendations on further action or legislative remedies, if any, to be taken as necessary.**

**2. The commission shall be composed of six members to serve until January 1, 2003, three of whom shall be appointed by the president pro tem of the senate and three of whom shall be appointed by the speaker of the house, including:**

**(1) A representative of a national organization that represents the interests of troopers;**

**(2) A POST-certified instructor;**

**(3) An attorney with experience with administrative law procedure and practice;**

**(4) A person with human resources experience in private industry or commerce;**

**(5) A member of the house of representatives; and**

**(6) A member of the senate.**

**3. All members shall serve without compensation but shall be reimbursed for all**

**actual and necessary expenses incurred in the performance of their official duties for the commission.**

**4. The office of administration shall provide funding, administrative support, and staff for the effective operation of the commission.**

**5. The commission shall make a report to the governor and the general assembly by January 1, 2003.”; and**

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Caskey offered SA 6:

**SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by striking the words “the law enforcement organization” and inserting in lieu thereof the words “public safety”; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

**“595.045. 1. There is established in the state treasury the “Crime Victims' Compensation Fund”. A surcharge of [five] ten dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] ten dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.**

**2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection**

1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] 4. The remaining funds collected under subsection 1 of this section **shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds** shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims'

fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[4.] 5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected.

The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections



595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor under the following Missouri laws:

(1) Chapter 195, RSMo, relating to drug regulations;

(2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(3) Chapter 491, RSMo, relating to witnesses;

(4) Chapter 565, RSMo, relating to offenses against the person;

(5) Chapter 566, RSMo, relating to sexual offenses;

(6) Chapter 567, RSMo, relating to prostitution;

(7) Chapter 568, RSMo, relating to offenses against the family;

(8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

(9) Chapter 570, RSMo, relating to stealing and related offenses;

(10) Chapter 571, RSMo, relating to weapons offenses;

(11) Chapter 572, RSMo, relating to gambling;

(12) Chapter 573, RSMo, relating to pornography and related offenses;

(13) Chapter 574, RSMo, relating to offenses against public order;

(14) Chapter 575, RSMo, relating to offenses against the administration of justice;

(15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld

pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this

subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

**650.300.** As used in sections 650.300 to 650.310, the following terms shall mean:

(1) "Catastrophic crime", a violation of section 569.070, RSMo;

(2) "Office", the office for victims of crime;

(3) “Private agency”, a private agency as defined in section 595.010, RSMo;

(4) “Public agency”, a public agency as defined in section 595.010, RSMo;

(5) “Victim of crime”, a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

**650.310. 1.** The office of victims of crime is hereby established within the department of public safety, for the purpose of promoting the fair and just treatment of victims of crime. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime the office shall, or upon the receipt of a specific request the office may, work closely with other state and local agencies to coordinate a response to meet the needs of any resulting victims of crime.

**2.** The office for victims of crime shall coordinate efforts with statewide coalitions or organizations that are involved in efforts to provide assistance to victims of crime and to reduce the incidence of domestic violence, sexual assault or other crime victimization. The office shall consult with such coalitions or organizations as to more efficient and effective coordination and delivery of services to victims of crime.

**3.** The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation and maintenance of any such system.

**4.** The department of public safety may promulgate administrative rules to implement this section, and any such rule that is wholly procedural and without fiscal impact shall be deemed to satisfy the requirements of section

**536.016, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7:**

**SENATE AMENDMENT NO. 7**

Amend Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting after said line the following:

“57.020. Every sheriff shall, within fifteen days after he [receives the certificate of his election or appointment] **or she is sworn into office**, give bond to the state in a sum not less than five thousand dollars nor more than fifty thousand dollars, with sureties approved by the presiding judge of the circuit court, conditioned for the faithful discharge of his duties; which bond shall be filed in the office of the clerk of the circuit court of the county.

57.030. Should any sheriff be reelected, he shall give a new bond and security within fifteen days from [his election] **the date that he or she is sworn into office**; and should he fail to do so, his former sureties shall not be held liable for any business done by him after the fifteen days expire.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 8:**

**SENATE AMENDMENT NO. 8**

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by adding:

“Section 1. Notwithstanding any law or rule, any peace officer involved in any procedure of 43.150 RSMo shall have all final actions approved or disapproved by the Director, Department of Public Safety.”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator House offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line;

[85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. Any law enforcement officer employed by the state shall not be subject to the provisions of this section.]

**590.505.** As used in sections 590.505 to 590.517, the following terms mean:

(1) “Employing law enforcement agency” or

“law enforcement agency”, this state or political subdivision in this state that employs law enforcement officers certified as required by this chapter;

(2) “Hearing”, any meeting conducted by a hearing grievance committee for the purpose of taking or adducing testimony or receiving other evidence in order to determine the facts regarding an occurrence which may lead to punitive action against a law enforcement officer;

(3) “Hearing or grievance committee”, the committee as established by the written guidelines of the department’s policy and procedures manual, which may include already established personnel boards;

(4) “Law enforcement officer” or “officer”, any person who is regularly employed by an employing law enforcement agency and certified pursuant to this chapter, who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state. This term shall not include an officer serving in probationary status upon initial employment, highway patrol members, water patrol members, conservation agents, state park rangers, or an elected sheriff, elected marshal or appointed chief of police;

(5) “Punitive action”, any disciplinary action, except a written or oral reprimand, taken against a law enforcement officer by the employing law enforcement agency, including but not limited to dismissal, demotion, suspension, reduction in salary, withholding of salary, or a disciplinary transfer.

**590.508.** Any law enforcement officer who is the subject of punitive action shall at a minimum be furnished with a written statement and citations from the employing law enforcement agency’s written and distributed policies and procedures for the reason of the punitive action. Upon receipt of the written reasons for the punitive action the law enforcement officer may, within five working days, request a hearing in writing. Such a

hearing shall take place before any individual or board to be defined by the published and distributed ordinance, administrative rule or regulation or written and distributed employing law enforcement agency policies and procedures. The employing law enforcement agency shall schedule the hearing no sooner than five days and no later than ten days after the written request was received from the law enforcement officer. At such hearings, all voting will be conducted by secret ballots. The results of such hearing shall be reduced to writing and distributed to all parties involved. Any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request to writing shall be deemed to be in compliance with this section.

590.511. 1. When any law enforcement officer is under investigation and subjected to interrogation by such officer's commanding officer, or any other member of the employing law enforcement agency, which could lead to punitive action, such interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, or during such officer's normal working hours, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the law enforcement officer being interrogated at any place other than such officers' residence, such law enforcement officer shall be compensated for such off-duty time in accordance with regular department procedure. If the interrogation of the law enforcement officer occurs during such officer's regular duty hours, such officer shall not be released from employment for any work missed during the interrogation;

(2) Any law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

Such officer shall also be informed of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. No more than three interrogators at one time shall question the law enforcement officer under investigation;

(3) No law enforcement officer under interrogation shall be subjected to offensive language or threatened with punitive action. No promise of reward shall be made as an inducement to answering questions;

(4) The complete interrogation of any law enforcement officer shall be recorded, either written, taped or transcribed. Upon request of the law enforcement officer under investigation a copy of the record shall be made available to him not less than ten days prior to any hearing;

(5) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any law enforcement officer, that officer shall have the right to be represented by counsel who may be present at all times during such interrogation.

2. Nothing in this section shall prohibit the immediate temporary suspension, pending an investigation, from duty of any law enforcement officer who reports for duty under the influence of alcohol or controlled substances, or under the influence of an apparent mental or emotional disorder.

3. The provisions of this section shall not be applicable in the event any criminal charges have been filed against any law enforcement officer.

590.514. 1. If the investigation or interrogation of a law enforcement officer results in the recommendation of some punitive action, before taking such action the law enforcement agency shall give notice to the law enforcement officer that the officer is entitled to a hearing on the issues by a hearing or grievance committee.

2. Upon receipt of a written statement and citation from the employing law enforcement agency policy and procedure explaining the

reason for the punitive action, the law enforcement officer may within five working days request a hearing before the established hearing or grievance committee. Both the law enforcement officer and the law enforcement agency shall be given ample opportunity to present evidence and argument with respect to the issues involved.

3. With respect to the subject of any investigation or hearing conducted pursuant to this section, the hearing or grievance committee may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, and may require and compel the production of records, books, papers, contracts, and other documents.

4. Any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each element in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be delivered or mailed by certified mail promptly to the law enforcement officer. The hearing or grievance committee may either agree with or disagree with the recommendation of the law enforcement agency, but shall in no case increase the punitive action recommended.

590.517. Sections 590.500 to 590.517 shall not apply to any political subdivision which has a review hearing for law enforcement disciplinary actions.”; and

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

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Kenney, Klarich and Klindt.

SA 9 was adopted by the following vote:

YEAS—Senators

|         |           |           |            |
|---------|-----------|-----------|------------|
| Caskey  | DePasco   | Dougherty | Goode      |
| Gross   | House     | Jacob     | Mathewson  |
| Quick   | Schneider | Scott     | Singleton  |
| Staples | Stelman   | Stoll     | Wiggins—16 |

NAYS—Senators

|          |           |         |         |
|----------|-----------|---------|---------|
| Cauthorn | Childers  | Foster  | Gibbons |
| Kenney   | Kinder    | Klarich | Klindt  |
| Loudon   | Rohrbach  | Russell | Sims    |
| Westfall | Yeckel—14 |         |         |

Absent—Senators

|         |       |           |
|---------|-------|-----------|
| Bentley | Bland | Johnson—3 |
|---------|-------|-----------|

Absent with leave—Senator Carter—1

At the request of Senator Kenney, **HB 80**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

At the request of Senator Kenney, **HCS** for **HBs 144** and **46**, with **SCS**, was placed on the Informal Calendar.

**HS** for **HCS** for **HB 762**, with **SCS**, entitled:

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to women’s health services.

Was taken up by Senator Sims.

**SCS** for **HS** for **HCS** for **HB 762**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 762

An Act to repeal sections 208.151 and 376.1209, RSMo 2000, relating to women’s health services, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **HS** for **HCS** for **HB 762** be adopted.

Senator Sims offered **SS** for **SCS** for **HS** for **HCS** for **HB 762**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 762

An Act to repeal sections 197.285, 208.151 and 376.1209, RSMo 2000, relating to women’s health services, and to enact in lieu thereof four new sections relating to the same subject.

Senator Sims moved that **SS** for **SCS** for **HS** for **HCS** for **HB 762** be adopted.

Senator Klarich offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 20, Section 376.1209, Line 27, by inserting immediately after said line the following:

**“Section 1. 1. There is hereby created within the office of the governor a “Child Custody Abuse and Neglect Commission” which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.**

**2. The child abuse and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, and educator, the chairman of the children's services commission, a division of family services designee, and three citizens of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.**

**3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.**

**4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.**

**6. This section shall expire on August 28, 2004.”; and**

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Pages 15-19, Section 354.900, by striking said section from the bill and inserting in lieu thereof the following:

**“376.1199. 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:**

**(1) Notwithstanding the provisions of subsection 4 of section 354.618, RSMo, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional copayments, coinsurance, or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional copayments, coinsurance, or deductibles are imposed for other types of health care services received within the provider network. Nothing**

in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, RSMo, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805;

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification;

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If a health benefit plan provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or copayment as any other covered drug. No such deductible, coinsurance or copayment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and

devices that are intended to induce an abortion, as defined in section 188.015, RSMo, which shall be subject to the provisions of section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

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.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier may issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee:

(a) A health benefit plan that excludes coverage for contraceptives; or

(b) A rider to the health benefit plan that excludes coverage for contraceptives.

Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group



policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a rider to the health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued by a health carrier described in subdivision (3) of subsection 4 of this section and any group health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs; and

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase a rider that includes coverage for contraceptives.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a rider to the health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or

**purchased a rider to the health benefit plan that includes coverage for contraceptives.**

8. The department of insurance may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 2, Section 376.1199, Line 29, by deleting all of the words after “(4)”;

and further amend said section, page 3, by deleting lines 1-4 and further amend said section, line 5, by deleting the words “drug on the health benefit plan’s formulary.”; and

Further amend said section, page 4, line 5, by adding after the word “plan” the following: “that offers contraceptive coverage”; and

Further amend said section, page 5, lines 12-14, by deleting all of said lines.

Senator Loudon moved that the above amendment be adopted.

Senator Klarich assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of SA 1 to SA 2. He was joined in his request by Senators Bentley, Cauthorn, Childers and Quick.

SA 1 to SA 2 failed of adoption by the following vote:

|               |          |          |            |
|---------------|----------|----------|------------|
| YEAS—Senators |          |          |            |
| Cauthorn      | Childers | Kenney   | Kinder     |
| Klindt        | Loudon   | Rohrbach | Westfall—8 |

NAYS—Senators

|           |           |         |           |
|-----------|-----------|---------|-----------|
| Bentley   | Bland     | Caskey  | DePasco   |
| Dougherty | Foster    | Gibbons | Goode     |
| Gross     | House     | Jacob   | Johnson   |
| Klarich   | Mathewson | Quick   | Russell   |
| Schneider | Scott     | Sims    | Singleton |
| Staples   | Steelman  | Stoll   | Wiggins   |
| Yeckel—25 |           |         |           |

Absent—Senators—None

Absent with leave—Senator Carter—1

**SA 2** was again taken up.

At the request of Senator Sims, **HS** for **HCS** for **HB 762**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 12**.

HOUSE CONCURRENT RESOLUTION NO. 12

WHEREAS, the recent dramatic increase in utility rates for utility companies providing heating fuels has had a devastating financial affect on many middle and low income Missourians who cannot afford to pay utility bills which have more than doubled in recent months; and

WHEREAS, many Missourians on fixed and limited incomes may be forced to eliminate other essential purchases, such as food and medicines, from their limited budgets in order to pay the exorbitant utility bills; and

WHEREAS, due to the extraordinary circumstances in which Missourians find themselves, members of Congress should consider taking extraordinary steps to protect the interests of all of the people of the United States:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby request that the United States Congress consider establishing a strong remedial federal energy policy that delegates emergency powers to individual states; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional

delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 14**.

HOUSE CONCURRENT RESOLUTION NO.14

WHEREAS, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives of the 106th Congress, including the entire Missouri delegation to the United States House of Representatives; and

WHEREAS, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

WHEREAS, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

WHEREAS, railroad management, labor and retiree organizations have agreed to support this legislation; and

WHEREAS, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

WHEREAS, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

WHEREAS, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

WHEREAS, all changes will be paid for from within the railroad industry, including a full share of active employees:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 22**.

HOUSE CONCURRENT RESOLUTION NO. 22

WHEREAS, in 1955, the Missouri Brucellosis Control and Eradication Law, sections 267.470 to 267.550, RSMo, was enacted by the Missouri General Assembly to suppress, control and eradicate bovine brucellosis in this state; and

WHEREAS, as part of the state's attempt to suppress, control and eradicate bovine brucellosis in this state, a certification process was established which included the herd designation of a "certified brucellosis free herd"; and

WHEREAS, more than forty-five years after the passage of the Missouri Brucellosis Control and Eradication Law, not every herd of cattle in the state of Missouri has attained the designation of a certified brucellosis free herd; and

WHEREAS, all cattle eight months of age or over must pass a negative test for brucellosis within thirty days of the transportation of such cattle within or outside the state; and

WHEREAS, the economic progress of the cattle industry in this state depends on the ability of cattle producers to buy, sell and exchange cattle both intrastate and interstate; and

WHEREAS, the department of agriculture should be aggressive in the use and utilization of the resources available to the department to reach a brucellosis free status for the entire state, without requiring new vaccinations:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby direct the department of agriculture to be more aggressive in its attempts to suppress, control and eradicate bovine brucellosis in this state and reach a statewide brucellosis free status; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the director of the department of agriculture.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 279**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to supplemental newborn screening.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, the Windfall Elimination Provision or WEP was added to the federal Social Security Act in 1983 to prevent unfairly inflated benefits for persons who held highly compensated government positions that were not covered by Social Security and who also had brief, relatively low-paying Social Security covered employment; and

WHEREAS, the WEP has had the unintended consequence of undermining the retirement plans of individuals who have been teachers and who often continue to hold Social Security covered employment during summers and holidays; and

WHEREAS, Missouri and other states are anticipating an increased rate of teacher retirement and difficulty attracting young adults into the education field; and

WHEREAS, the WEP also serves to discourage mid-life career changes from Social Security covered employment to employment covered by public pensions such as teaching; and

WHEREAS, the WEP often works in conjunction with another income-reducing feature, the government pension offset (GPO) that bears disproportionately on women, to doubly affect the teacher corps which is still primarily made up of women; and

WHEREAS, the formula of the WEP assumes retirees have had a higher-paying position over the entire course of their careers, an assumption which is contrary to the fact for teachers; and

WHEREAS, many teachers need a second income and therefore work in Social Security covered positions, thereby activating the WEP; and

WHEREAS, the continuation of the WEP and GPO impacts presently retired teachers, teachers near retirement, and young adults entering the education field, all who are essential parts of our national education corps:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the 107th Congress to:

(1) Either simply rescind the Windfall Elimination Provision or amend it so that it does not bear disproportionately upon teachers and others who have modest salaries earned in non-Social Security-covered service; and

(2) Amend the government pension offset so that it will not bear disproportionately upon teachers and others whose government pensions are based on modest salaries; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri

congressional delegation.

In which the concurrence of the Senate is respectfully requested.

### REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HBs 328** and **88** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 33** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Yeckel moved that the Senate request the House to return **SS** for **SCS** for **SBs 476, 427** and **62** to the Senate for correction and re-passage, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 267**, entitled:

An act to repeal sections 43.503, 56.085, 56.765, 67.133, 194.115, 196.790, 426.220, 426.230, 429.360, 455.040, 476.010, 479.020, 479.150, 482.330, 483.500, 488.426, 488.429, 488.445, 488.447, 488.607, 488.5332, 488.5336, 490.130, 491.300, 494.455, 512.180, 534.070, 534.350, 534.360, 534.380, 535.030, 535.110, 541.020, 565.030, 610.105, 632.480, 632.483, 632.492 and 632.495, RSMo 2000, relating to court procedures, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 1, 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7, 8, 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendments Nos. 11, 12, 13, 14, 15 and 16.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 4, Page 63, Lines 11-12, by deleting “**that has neighborhood courts and the city is**”; and

Further amend said section, Page 63, Line 13, by deleting all of said line and inserting in lieu thereof the following:

“**additional court costs in an amount up to twenty dollars per**”; and

Further amend said substitute, Section 5, Page 63, Line 23, by deleting all of said line and inserting in lieu thereof the following:

“**provide for additional court costs in an amount up to**”.

### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 1, Page 60, Lines 8-11, by deleting said section from the substitute; and,

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

### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 196.790, Pages 13-14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.220, Page 14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.230, Pages 14-15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 429.360, Page 15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 512.180, Page 37, Lines 7-8, by deleting “**is not**”

**filed pursuant to chapter 517, RSMo, and**"; and

Further amend said section, Page 37, Line 9, by inserting brackets "[ ]" around "five" and inserting "**three**" before the word "thousand"; and

Further amend said House Substitute, Section 534.350, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.360, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.380, Pages 38-39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.030, Page 39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.110, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 541.020, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 2, Page 60, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section B, Page 64, by deleting all of said section from the substitute; and

Amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 56.765, Page 10, Line 11, by inserting the following after all of said line:

"57.130. 1. The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect

fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

2. The provisions of this section shall expire and be of no force and effect on and after July 1, [2002.] **2007.**"; and

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

#### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 34, Section 491.300, Line 4, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;

(7) Any licensed attorney at law;

(8) Any judge of a court of record;

(9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.430. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

(1) Any person actually performing the duties of a clergyman;

(2) Any person who has served on a state or federal petit or grand jury within the preceding year;

(3) Any person whose absence from [his] **such person's** regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;

(4) Any person upon whom service as a juror would in the judgment of the court impose an extreme hardship;

(5) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, dentistry or pharmacy[.];"; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, section 494.455, Page 34, Line 5, by deleting all of said line after "1."; and

Further amend said section, Page 34, Lines 6-8, by deleting all of said lines; and

Further amend said section, Page 34, Line 9, by deleting "2."; and

Further amend said section, Page 35, Line 5, by inserting "2." before the word "The"; and

Further amend said section, Page 36, Line 9, by inserting the following at the end of said line:

**"3. The governing body of each county or a city not within a county may authorize daily compensation and mileage allowance for jurors in any amount such governing body deems reasonable, which shall be paid from the funds of the county or city not within a county."**; and

Further amend said section, Page 36, Lines 10-18, by deleting all of said lines; and

Further amend the title, enacting clause and

intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 42, Section 535.110, Line 12, by inserting after all of said line the following:

**"536.160. In the event a reviewing court reverses a decision of a state agency, remands the matter to the agency for further proceedings and orders the payment into court of any increase in funds authorized by said decision, and thereafter, on remand, the state agency reaches the same result, reaffirms or ratifies its prior decision, then the entity which paid such funds into court shall be entitled to a refund of such funds, including all interest accrued thereon. This provision is enacted in part to clarify and specify the law in existence prior to August 28, 2001."**; and

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

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Pages 50-52, Section 610.040, by striking all of said section.

#### HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 565.030, Page 50, Line 7, by inserting the following after all of said line:

**"595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric,**

psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections 595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid [under] **pursuant to**

sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation [under] **pursuant to** sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death [under] **pursuant to** other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the division of workers' compensation on claims heard [under] **pursuant to** sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The division of workers' compensation shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer

a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the division.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, medicare, medicaid and other state or federal programs, **but not including any life insurance proceeds**; or

(3) From any other public or private funds, including an award payable [under] **pursuant to** the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the division of workers' compensation shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the division of workers' compensation may disregard the responsibility of the victim for his **or her** own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or her** presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.070,

monthly social security disability or retirement benefits received by the victim shall not be considered by the division as a factor for reduction of benefits.

5. The division shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based.”; and

Amend the title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 60, Section 3, Line 18, by adding after the word “annexed” the words “or acquired.”.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 14, Section 196.790, Line 8, by adding after said line the following:

“386.515. Prior to August 28, 2001, in proceedings before the Missouri Public Service Commission, consistent with the decision of the Supreme Court of Missouri **State ex rel. Anderson Motor Service Co., Inc. v. Public Service Commission**, 97 S.W. 2d 116 (Mo. banc 1936) the review procedure provided for in Section 386.510 is exclusive to any other procedure. An application for rehearing is required to be served on all parties and is a prerequisite to the filing of an application for writ of review. The application for rehearing puts the parties to the proceeding before the Commission on notice that a writ of review can follow and any such review may proceed without formal notification or summons to said parties. On and after August 28, 2001, the review procedure provided for in Section 386.510 continues to be exclusive except that a copy of any such writ of review shall be provided to each party to the proceeding before the Commission, or his attorney of record, by hand delivery or by registered mail,



and proof of such delivery or mailing shall be filed in the case as provided by Section 536.110.2.”.

#### HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 455.040, Page 18, Line 3, by inserting the following after all of said line:

“473.767. 1. In counties operating under fee retention, the public administrator shall before the first court day after the expiration of one year after their successor in office has qualified, file a final settlement as required by section 473.540 for all estates in their charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon the judge's own motion, shall order the public administrator to account for and deliver all money, property, or papers belonging to all estates in his or her hands in which final settlement cannot be made, to the successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

2. In counties where the public administrator is paid a salary, the public administrator shall deliver property and make necessary filings as required in this section prior to leaving his or her term of office.

[3. Notwithstanding the provisions of subsection 1 of this section, the former public administrator or their legal representative, upon approval and order of the judge of the probate division of the circuit court having jurisdiction over the estates in which the former public administrator has been appointed personal representative, guardian or conservator, shall turn over the administration of the estates to the successor public administrator. A copy of the annual account of each estate in part covering the term of the former public administrator shall be filed with the probate division by the successor public administrator and the successor public administrator shall be charged

with the assets and liabilities shown thereby.]”; and

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

#### HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 27, Section 488.429, Lines 5-7, by striking the phrase “and for the acquisition of necessary equipment and maintenance of court facilities approved by order of the judges of the circuit court, en banc;”.

#### HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 50, Section 565.030, Line 7, by inserting after all of said line the following:

“595.045. 1. There is established in the state treasury the “Crime Victims' Compensation Fund”. A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to

provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4.** The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections

595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[4.] **5.** The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] **6.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one

hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor under the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons

offenses;

- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit,

compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines."; and

Further amend said bill, Page 60, Section 634.495, Line 7, by inserting after all of said line the following:

**"650.300. As used in sections 650.300 to 650.310, the following terms shall mean:**

**(1) "Catastrophic crime", a violation of section 569.070, RSMo;**

**(2) "Office", the office for victims of crime;**

**(3) "Private agency", a private agency as defined in section 595.010, RSMo;**

**(4) "Public agency", a public agency as**

defined in section 595.010, RSMo;

(5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

650.310.1. The office of victims of crime is hereby established within the department of public safety, for the purpose of promoting the fair and just treatment of victims of crime. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime the office shall, or upon the receipt of a specific request the office may, work closely with other state and local agencies to coordinate a response to meet the needs of any resulting victims of crime.

2. The office for victims of crime shall coordinate efforts with statewide coalitions or organizations that are involved in efforts to provide assistance to victims of crime and to reduce the incidence of domestic violence, sexual assault or other crime victimization. The office shall consult with such coalitions or organizations as to more efficient and effective coordination and delivery of services to victims of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation and maintenance of any such system.

4. The department of public safety may promulgate administrative rules to implement this section, and any such rule that is wholly procedural and without fiscal impact shall be deemed to satisfy the requirements of section 536.016, RSMo."; and

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

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 11, Section 67.133, Line 9, by inserting after all of said line the following:

"193.185. 1. A report of each marriage performed in this state shall be filed with the department and shall be registered if it has been completed and filed in accordance with this section.

2. The official who issues the marriage license shall prepare the report on the form prescribed and furnished by the state registrar upon the basis of information obtained from one of the parties to be married.

3. Each person who performs a marriage shall certify the fact of marriage and return the license to the official who issued the license within [ten] **fifteen** days after the ceremony. This license shall be signed by the witnesses to the ceremony. A marriage certificate shall be given to the parties.

4. Every official issuing marriage licenses shall complete and forward to the department on or before the fifteenth day of each calendar month the reports of marriages returned to such official during the preceding calendar month."; and

Further amend said bill, Page 15, Line 15, by inserting after said line the following:

"451.080. 1. The recorders of the several counties of this state, and the recorder of the city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same which may be in the following form: State of Missouri )

) ss.

) County of ..... )

This license authorizes any judge, associate circuit judge, licensed or ordained preacher of the gospel, or other person authorized under the laws of this state, to solemnize marriage between A B of ....., county of ..... and state of ....., who is ..... the age of eighteen years, and C D of ....., in the county of ....., state of ....., who is ..... the age of

eighteen years.

2. If the man is under eighteen or the woman under eighteen, add the following:

The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C D, as the case may require), has given his or her assent to the said marriage.

Witness my hand as recorder, with the seal of office hereto affixed, at my office, in ....., the ..... day of ....., [19] 20.., recorder.

3. On which such license the person solemnizing the marriage shall, within [ninety] **fifteen** days after the issuing thereof, make as near as may be the following return, and return such license to the officer issuing the same: State of Missouri )  
 ) ss.  
 ) County of .....

This is to certify that the undersigned ..... did at ....., in said county, on the ..... day of ..... A. D. [19] 20.., unite in marriage the above-named persons.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, **provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number.** The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon the expiration of three days after the receipt

of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

451.130. 1. If any recorder willfully neglect or refuse to issue a license to any person legally entitled thereto on application, on payment or tender of the fee provided for in section 451.150, or shall fail to refuse to record such license, with the return thereon, as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

2. Every officer or person who shall fail to return a license within [ninety] **fifteen** days after the ceremony, or who shall make a false return thereon, or any recorder who shall willfully make a false record of any marriage license or return thereon, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as provided in the preceding part of this section.”; and

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

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for

Senate Committee Substitute for Senate Bill No. 267, Page 14, Section 196.790, Line 8, by inserting after all of said line the following:

**“374.695. No court in this state shall approve any bail bondsman or bail bond agent unless licensed pursuant to sections 374.698 to 374.775.**

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

(1) “Bail bond agent”, a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;

(2) “Department”, the department of insurance of the state of Missouri;

(3) “Director”, the director of the department of insurance;

(4) “General bail bond agent”, a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;

(5) “Property bail bondsman”, a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(6) “Surety bail bond agent”, any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

**374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:**

(1) “Admission to bail”, an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;

(2) “Bail bond agent”, a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections

**374.700 to 374.775, is employed by or is working under the authority of a licensed general bail bond agent;**

(3) “Bail bond or appearance bond”, a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

(4) “Department”, the department of insurance of the state of Missouri;

(5) “General bail bond agent”, a surety agent or a property bail bondsman who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;

(6) “Insurer”, any surety insurance company which is qualified by the department to transact surety business in Missouri;

(7) “Licensee”, a bail bond agent or a general bail bond agent;

(8) “Property bail bondsman”, a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(9) “Surety”, a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;

(10) “Surety bail bond agent”, any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor;

(11) “Taking of bail” or “take bail”, the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

**374.702. 1.** No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.

**2.** No judge, attorney, court official, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a bail bond agent or a general bail bond agent.

**3.** A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the license for at least two years prior to owning or being an officer of a licensed general bail bond agent.

**4.** A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.

**5.** A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

**6.** Any person who is convicted of a provision of this section is guilty of a class A

misdemeanor. For any subsequent convictions, a person who is convicted of a provision of this section is guilty of a class D felony.

**374.704. 1.** Every applicant for a bail bond agent license or a general bail bond agent license shall apply on forms furnished by the department.

**2.** The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent or insurer for whom the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed qualifying power of attorney from the general bail bond agent or insurer evidencing or authorizing increased monetary limits or amounts for the recognizance.

**3.** An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the department of revenue as provided in chapter 147, RSMo.

**4.** No license shall be granted without a showing that the applicant or applicant's insurer has proof of a three hundred thousand dollar bond or liability policy insuring against any damage to persons or property caused by the applicant.

**374.715.** Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, is of good moral character, and meets the qualifications for surety on bail bonds as



provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand dollars] **according to the following schedule**, along with a duly executed assignment [of ten thousand dollars] to the state of Missouri[, which] **in the same amount:**

**(1) If the general bail bond agent employs three or less bail bond agents, at least fifteen thousand dollars;**

**(2) If the general bail bond agent employs four to ten bail bond agents, at least twenty-five thousand dollars;**

**(3) If the general bail bond agent employs eleven to fifteen bail bond agents, at least forty-five thousand dollars;**

**(4) If the general bail bond agent employs sixteen to twenty bail bond agents, at least sixty-five thousand dollars;**

**(5) If the general bail bond agent employs twenty-one to twenty-five bail bond agents, at least eighty-five thousand dollars;**

**(6) If the general bail bond agent employs twenty-six to fifty bail bond agents, at least one hundred thousand dollars;**

**(7) If the general bail bond agent employs over fifty bail bond agents, at least two hundred thousand dollars; provided, that all bail bonds or appearance bonds written by a general bail bond agent employing over fifty employees and having at least two hundred thousand dollars on deposit with the department of insurance, shall be accepted throughout the state of Missouri provided that the general bail bond agent is in good standing with the department of insurance.**

The assignment shall become effective upon the applicant's violating any provision of sections

374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

**374.717. No insurer or licensee, court or law enforcement officer shall:**

**(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:**

**(a) A jailer, policeman, peace officer, committing judge or any other person who has power to arrest or to hold in custody any person; or**

**(b) Any public official or public employee;**

**(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;**

**(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;**

**(4) Accept anything of value from a principal except the premium and expenses incurred; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity from the principal may be used to reimburse the licensee for any costs and expenses incurred associated with the forfeiture. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.**

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license

for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony **or crime involving moral turpitude**;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;

(6) Violation of[, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations**;

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to

practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700 to 374.775;

(11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14)] Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.] **admonish or censure a licensee, or suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

**3. In lieu of filing a complaint at the administrative hearing commission, the department and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section**

**374.280.**

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license.

374.757. 1. Any agent licensed by sections 374.700 to 374.775 who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class D felony for subsequent violations; and shall also be a violation of section 374.755 and may in addition be punished pursuant to that section.

2. Any agent licensed by sections 374.700 to 374.775 who wrongfully causes damages to any person or property, including but not limited to trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.

374.764. 1. The director shall examine and inquire into all violations of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in this state by any bail bond agent, general bail bond agent or surety recovery agent.

2. The director or any of his duly appointed agents may compel the attendance before him, and may examine, under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees or any other person, in reference to the condition, affairs, management of the bail bond or surety recovery business or any matters relating

thereto. He may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts or other documents, if necessary.

3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by a person other than the director, the person duly appointed by the director shall have the same powers as granted to the director pursuant to this section. A certificate of appointment, under the official seal of the director, shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the director may employ the necessary clerical, actuarial and other assistance.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".

2. As used in sections 374.782 to 374.789, the following terms mean:

(1) "Department", the department of insurance of the state of Missouri;

(2) "Fugitive recovery", the tracking down, recapturing and surrendering to the custody of a court a fugitive who has violated a bail bond agreement;

(3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.

2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and

supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.

3. The department shall have power to:

(1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and

(2) Determine the sufficiency of the qualifications of applicants for licensure.

4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.

**374.784. 1.** A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved by the department.

2. The basic course of training shall consist of at least forty hours of training, be taught by personnel with qualifications approved by the department and may include instruction in:

(1) The following areas of the law:

(a) Constitutional law;

(b) Procedures for arresting defendants and surrendering defendants into custody;

(c) Civil liability;

(d) The civil rights of persons who are detained in custody;

(e) The use of force;

(2) Procedures for field operations, including, without limitation:

(a) Safety and survival techniques;

(b) Searching buildings;

(c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and

(d) The care and custody of prisoners;

(3) The skills required regarding:

(a) Writing reports, completing forms and procedures for exoneration;

(b) Methods of arrest;

(c) Nonlethal weapons;

(d) The retention of weapons;

(e) Qualifications for the use of firearms;

(f) Defensive tactics; and

(g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;

(4) The following subjects:

(a) Demeanor in a courtroom;

(b) First aid used in emergencies; and

(c) Cardiopulmonary resuscitation.

3. No license shall be granted unless the candidate has proof of a one million dollar bond or liability policy insuring against any damages to persons or property caused by the candidate.

**374.785. 1.** The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one million dollar bond or liability policy and such general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.

2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of

Missouri, before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known

address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

4. The department may refuse to issue or renew any license required pursuant to sections 374.782 to 374.789 for any one or any combination of causes stated in section 374.787. The department shall notify the applicant in writing of the reasons for refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

374.787. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations;

(2) Having been convicted of a felony or crime involving moral turpitude;

(3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;

(4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;

(5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;

(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions of duties of a surety recovery agent;

(7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.

374.788. A surety recovery agent having probable grounds to believe a subject, free on his or her bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:

(1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;

(2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and

(3) Enter upon private or public property in a reasonable manner to execute an arrest of a subject.

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:

(1) Holds himself or herself out to be a licensed surety recovery agent within this state;

(2) Claims that he or she can render surety recovery agent services; or

(3) Engages in fugitive recovery in this state.

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.”; and

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

In which the concurrence of the Senate is respectfully requested.

## RESOLUTIONS

Senator Klindt offered Senate Resolution No. 724, regarding Danny Ewing, which was adopted.

Senator Bentley offered Senate Resolution No. 725, regarding John Auston Peine, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 726, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Higley, Springfield, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory Terpstra, D.O., Potosi.

Senator Klindt introduced to the Senate, Kim Clevenger and JoAnn Tummons, Gallatin High School, Gallatin.

Senator Klindt introduced to the Senate, Ann Tanner, Martha Brooke, Lisa Falke, Cheryl Hogan, Tami Parker, Staci Wood, Gerald Drehle, Jeanie Rimmer and twelve fourth grade students from Norborne R-VIII School, Norborne.

Senator Westfall introduced to the Senate, Stephanie Bean, Greenfield; and Andrea Lee, Strafford.

Senator Wiggins introduced to the Senate, Crystal Wood, Grandview High School, Grandview.

Senator Bland introduced to the Senate, Jennifer and Tina Tidwell and Aron, Caleb and Isaiah Wurth, Kansas City; and Aron, Caleb and Isaiah were made honorary pages.

Senator Bland introduced to the Senate, Gail McCann Beatty, Kansas City.

Senator Bland introduced to the Senate, Elton Gibson, Kansas City.

Senator Cauthorn introduced to the Senate, Aaron Baker, Atlanta High School, Atlanta.

Senator Childers introduced to the Senate, Brandon Angus, Hurley High School, Hurley.

Senator Steelman introduced to the Senate, Jessica Schollmeyer and Micah Starke, Chamois High School, Chamois.

Senator Rohrbach introduced to the Senate, Amy Gerding, North Shelby High School; and Mallory Thomas, Russellville High School, Russellville.

Senator Singleton introduced to the Senate, Tammy and Michael Franks, Neosho.

Senator Singleton introduced to the Senate, Charlene Hurn and Karen Mason, Newton County.

On behalf of Senator Cauthorn and himself, the President introduced to the Senate, Ashley Von Thun, North Shelby High School.

On behalf of Senator Klindt and himself, the

President introduced to the Senate, Chasidy Renne, Gallatin High School, Gallatin.

On behalf of Senator Steelman and himself, the President introduced to the Senate, Amy Brandt, Chamois High School, Chamois.

On behalf of Senator Westfall and himself, the President introduced to the Senate, Kristina White, Strafford High School, Strafford.

The President introduced to the Senate, Stacy Wright, Mexico; and Christina Davis, Jefferson City.

Senator Mathewson introduced to the Senate, Ashley Adams, Keytesville; and Anna Read, Columbia; and Ashley and Anna were made honorary pages.

Senator Staples introduced to the Senate, Charles Czwonka, Dan Craig and students from Doniphan Christian School, Doniphan; and Ashley Craig, Jake Browning, Daniel Newman, Trent Skaggs and Carla Proehl were made honorary pages.

Senator Gibbons introduced to the Senate, forty-one fourth grade students from Rohan Woods School, Warson Woods.

On behalf of Senator Wiggins and herself, Senator Bland introduced to the Senate, Gwendolyn Grant and Don Hickman, Kansas City.

Senator Wiggins introduced to the Senate, Steve Jacobs, Grandview High School, Grandview.

On behalf of Senator Yeckel, Senator Rohrbach introduced to the Senate, Mary Herst and one hundred three fifth grade students from Trautwein Accelerated School, St. Louis; and Kira Klein, Mackenzie Stretch, R.J. Phelps and Tierra Luckey were made honorary pages.

Senator Mathewson introduced to the Senate, Larry, Gladys, Crystal, Michael and J.R. Billingsley, Sedalia; and Crystal, Michael and J.R. were made honorary pages.

Senator Singleton introduced to the Senate, Kayla Clutter, Stella; and Celia Renfro, Fair View.

Senator Singleton introduced to the Senate, his son, Mitchell Singleton, and Deborah Ellis, Joplin.

On motion of Senator Kenney, the Senate adjourned under the rules.

## SENATE CALENDAR

SIXTY-SIXTH DAY—THURSDAY, MAY 3, 2001

### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HS for HCS for HBs 280,  
69, 497 & 689-Hoppe

HCS for HB 780  
HCS for HB 279

#### THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon  
(In Budget Control)  
SS for SB 242-Kenney  
(In Budget Control)

SCS for SB 225-Mathewson  
(In Budget Control)  
SS for SCS for SBs 334 &  
228-Kinder (In Budget Control)

#### SENATE BILLS FOR PERFECTION

SB 565-Staples  
SB 596-Loudon  
SB 597-Singleton  
SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,  
with SCS  
SBs 508 & 468-Cauthorn  
and Klindt, with SCS

#### HOUSE BILLS ON THIRD READING

1. HS for HJR 11-Gambaro  
(Goode)
2. HCS for HB 567, with  
SCS (Klarich)
3. HB 575-O'Connor, et al,

- with SCS (Kenney)
4. HS for HB 381-Hoppe,  
with SCS (Kenney)  
(In Budget Control)
5. HB 444-Kreider, et al,  
with SCA 1 (Wiggins)



6. HS for HB 421-Hoppe, with SCS (Kinder)
7. HB 385-Franklin, with SCS (Foster)
8. HCS for HBs 205, 323 & 549, with SCS (Childers)
9. HB 662-Green (73) and St. Onge, with SCS (Foster)
10. HS for HCS for HB 425-O'Toole (DePasco)
11. HB 285-Riback Wilson, et al (Jacob)
12. HB 120-O'Connor, with SCS (Caskey)
13. HB 163-Berkowitz and Wagner (Westfall)
14. HB 471-Jolly, et al, with SCS (Wiggins)
15. HB 626-Hosmer, with SCS (Bentley)
16. HS for HCS for HB 107-Clayton, with SCS (Klarich) (In Budget Control)
17. HCS for HB 50, with SCS (Stoll) (In Budget Control)
18. HCS for HBs 754, 29, 300 & 505 (Bentley) (In Budget Control)
19. HB 185-Legan, et al, with SCS (Gross)
20. HCS for HB 738 (Klarich)
21. HCS for HBs 441, 94 & 244 (Johnson)
22. HB 453-Ransdall, et al, with SCS (Steelman) (In Budget Control)
23. HB 501-Bowman, et al, with SCS (Steelman) (In Budget Control)
24. HCS for HB 581, with SCS (Klindt)
25. HB 133-Gambaro, with SCS (Yeckel)
26. HCS for HB 241, with SCS (Caskey)
27. HS for HCS for HBs 328 & 88-Harlan, with SCS (Sims) (In Budget Control)
28. HB 70-Koller, with SCA 1 (Staples)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 65-Gibbons, with SCS                              | SB 222-Caskey, with SA 3 & SSA 1 for SA 3 (pending) |
| SBs 67 & 40-Gross, with SCS                          | SBs 238 & 250-Staples, et al, with SCS (pending)    |
| SB 68-Gross and House                                | SB 239-Stoll, with SCS & SA 11 (pending)            |
| SB 99-Sims, with SCS                                 | SB 251-Kinder                                       |
| SB 114-Loudon, with SCS, SS for SCS & SA 1 (pending) | SBs 253 & 260-Gross, with                           |
| SB 184-Johnson, et al, with SS#2 (pending)           |   |

SCS (pending)  
 SB 331-DePasco, et al,  
 with SCS & SS for SCS  
 (pending)  
 SB 373-Gibbons and Yeckel,  
 with SCS  
 SBs 391 & 395-Rohrbach,  
 with SCS & SS for SCS  
 (pending)  
 SB 438-Bentley and Stoll,  
 with SS, SS for SS &  
 SA 1 (pending)  
 SB 445-Singleton, with  
 SCS & SS for SCS  
 (pending)

SB 454-Kinder, with SCS  
 SB 455-Kinder, et al,  
 with SCS  
 SBs 459, 305, 396 & 450-  
 Westfall, with SCS &  
 SS for SCS (pending)  
 SB 469-Gross, et al  
 SB 488-Klindt, et al,  
 with SCS  
 SB 535-Rohrbach, with SCS,  
 SS for SCS & point of  
 order (pending)  
 SB 546-Kenney, et al,  
 with SCS  
 SB 583-Yeckel  
 SB 593-Klindt, with SCS  
 SJR 11-Yeckel

#### HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS  
 (pending) (Kenney)  
 HCS for HBs 144 & 46,  
 with SCS (Kenney)  
 HB 544-Holand and Treadway,  
 with SA 1 (pending) (Bentley)  
 HS for HCS for HB 762-  
 Barry, with SCS, SS for  
 SCS & SA 2 (pending)  
 (Sims and Stoll)

HB 949-Barry, with SCS,  
 SS for SCS & SA 7  
 (pending) (Sims)  
 HB 954-Hosmer (Westfall)  
 HJR 5-Barry, et al, with SS,  
 SA 1 & point of order  
 (pending) (Yeckel)

#### CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,  
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

Reported 4/11

HB 409-Surface  
(Singleton)

HB 84-Richardson  
(Childers)

Reported 4/12

HB 78-Kennedy and  
Richardson (Klarich)  
HB 607-Treadway, et al,  
with SCS (Sims)

HB 796-Hosmer, with SCS  
(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,  
with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS  
(Bentley)

HB 420-Williams, et al  
(Westfall)

HB 458-Lawson, et al  
(Klindt)

HB 470-Shields and  
Hegeman (Johnson)

HBs 648, 477 & 805-  
Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,  
with SCS (Klindt)

HB 897-Kreider, et al (Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al  
(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with  
SCS (Rohrbach)

HB 606-Kennedy, et al,  
with SCS (Yeckel)

HB 202-Rizzo, with SCS  
(Kenney)

HB 242-Smith, with SCS  
(House)

HB 361-Shoemyer, with SCS  
(Goode)

HB 498-Wagner and McKenna,  
with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS  
(Foster)HB 904-Merideth, et al,  
with SCS (Foster)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 193-Rohrbach,  
with HCS, as amendedSS for SCS for SB 267-  
Klarich, with HS for  
HCS, as amendedSCS for SB 382-Yeckel and  
Stoll, with HCSSCS for SB 520-Foster,  
with HCS

SB 544-Johnson, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HCS for HB 2, with SCS  
(Russell)HCS for HB 3, with SCS  
(Russell)HCS for HB 4, with SCS  
(Russell)HCS for HB 5, with SCS  
(Russell)HCS for HB 6, with SCS,  
as amended (Russell)HCS for HB 7, with SCS  
(Russell)HCS for HB 8, with SCS  
(Russell)HCS for HB 9, with SCS  
(Russell)HCS for HB 10, with SCS,  
as amended (Russell)HCS for HB 11, with SCS,  
as amended (Russell)HCS for HB 12, with SCS  
(Russell)HCS for HB 13, with SCS  
(Russell)HCS for HB 18, with SCS,  
as amended (Russell)HCS for HB 19, with SCS  
(Russell)HB 491-George, with SCS  
(Goode)

Requests to Recede or Grant Conference

SCS for SB 151-Childers,  
with HCS  
(Senate requests House  
recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3  
& SSA 1 for SA 3  
(pending)

Unofficial

To be Referred

HCR 12-Haywood  
HCR 14-Koller

HCR 22-Barnitz  
HCR 23-Holand

Journal

Reported from Committee

SCR 8-Caskey, with SA 2  
(pending)  
SCR 17-Steelman, et al  
HCR 16-Green and Holt  
(House)

SR 495-Klarich, with SCS  
HCR 5-Mays, with SS  
(pending) (Goode)  
HCR 24-Boucher, with SCS  
(Yeckel)

Reported from House with Amendments

SS for SCR 13-Foster,  
with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,  
with HCS  
(Senate requests House  
recede or grant conference)

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