Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY—MONDAY, MAY 13, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are my helper and my deliverer, O Lord do not tarry." (Psalm 70:6)

Gracious God, we begin this last week of our session knowing full well that some of our efforts will fail and our bills will die and become extinct when the final gavel is struck. Mindful of that we ask for Your help to show us where our strength and energy needs to be applied so that the common good be served and our vows fulfilled and the people of Missouri faithfully served. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

Senator Kenney moved that the Senate Journal for Friday, May 10, 2002, be corrected on Page 1492, Column 1, Line 19, by deleting the name "Kennedy" and inserting in lieu thereof the name "Kenney", which motion prevailed.

The Journal for Friday, May 10, 2002, was read and approved, as corrected.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senator DePasco—1

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1742, regarding the Eightieth Birthday of Herbert Casteel, Carthage, which was adopted.

Senator Kennedy offered Senate Resolution No. 1743, regarding Megan Clark, which was adopted.

Senator Staples offered Senate Resolution No. 1744, regarding J.C. Morrow, Corning, Arkansas, which was adopted.

Senator Staples offered Senate Resolution No. 1745, regarding Carmen L. Jackson, Naylor, which was adopted.

Senator Staples offered Senate Resolution No. 1746, regarding Dr. Ray B. Puckett, Jr., Belleview, which was adopted.

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1747

WHEREAS, the members of the Missouri Senate are always willing to applaud a group of citizens for their willingness to do charitable works, it is even a greater pleasure when it involves a group of people close to them; and

WHEREAS, on Wednesday, May 8, 2002, the Senate "Family" participated in a bowling tournament to benefit the American Cancer Society's RELAY FOR LIFE WALK to be held on June 7 and 8, 2002; and

WHEREAS, it is with great pride and pleasure that we announce that the Senate team, the "Senate Pedes" raised $2,855.00 at the bowling tournament; and

WHEREAS, there were a few "special moments" that needed to be mentioned, like the fact that even with lane troubles, the Braggadocio Budget Busters and the Bill Killers teams displayed much patience and continued to have a lot of fun despite their delay. Also, when faced with a HUGE distraction of folks "dancing down the lanes", Ben Jones was still able to concentrate and get a strike; and

WHEREAS, even though there wasn't a competition for Best Dressed Team, the team captained by the Senator from Butler, the MSTA team, consisting of Senator Bill Foster, Irene Murray, Cara Stauffer, Wayne Presley and Mike Wood won hands down;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations and daily activities to thank the Senate Pedes team and to thank all that participated in the Bowling Tournament and to wish "our" team good luck in their continued efforts to raise funds for such a worthy cause.

Senator Gross offered Senate Resolution No. 1748, regarding Clayton Graham, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1749, regarding Michael LaBozzetta, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1750, regarding Douglas R. Peterson, Jr., St. Charles, which was adopted.

Senator Caskey offered Senate Resolution No. 1751, regarding the Fifty-First Birthday of John L. Barrett, Houston, Texas, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1402, with **SCS**, introduced by Representative Mays (50), et al, entitled:

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

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 1402**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1402

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

Was taken up.

Senator Gibbons assumed the Chair.

Senator Steelman moved that **SCS** for **HB 1402** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

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

"**Section 1. Notwithstanding any provisions of law to the contrary, any utility unit, as defined in Title IV of the federal Clean Air Act, 42 U.S.C. Section 7851a, that uses coal-fired cyclone boilers which also burn tire derived fuel shall limit emissions of oxides of nitrogen to a rate no greater than eighty percent of the emission limit for cyclone-fired boilers in Title IV of the federal Clean Air Act and implementing regulations in 40 CFR Part 76, as**

amended. The provisions of this section shall expire on April 30, 2004, or upon the effective date of a revision to 10 CSR 10-6.350, whichever later occurs. The director of the department of natural resources shall notify the revisor of statutes of the effective date of a revision to 10 CSR 10-6.350."; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

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

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

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

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 1, by inserting immediately after the numeral "71.970" the following: "**1.**"; and further amend line 8, by inserting after all of said line the following:

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

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

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

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

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

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

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

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

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

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

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

(3) "Commission", the Missouri public service commission;

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

commission;

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

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

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

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

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

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

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

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

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

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

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

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

and any other information the gas corporation considers relevant; and

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

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

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

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

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

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

(a) Corporate name, address, and most recent annual report;

(b) Name and address of any affiliate of the applicant that is engaged in the provision of natural gas;

(c) A bond or other demonstration of financial capability to satisfy potential claims or expenses that can reasonably be anticipated to occur as part of the applicant's operations under its certificate, including a failure to honor contractual commitments. The adequacy of the bond or demonstration shall be determined by the commission from time to time;

(d) A description of the applicant's technical, financial, and managerial resources and abilities to comply with all applicable federal, state, regional, and industry statutes, rules, policies, practices, and procedures for the provision of natural gas; and

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

9. The commission may adopt by order such other procedures not inconsistent with this

section which the commission determines are reasonable or necessary to administer the experimental program. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

10. This section shall terminate June 30, 2005.

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

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

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

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

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

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

(a) Municipalities;

(b) Public water supply districts;

(c) Sewer districts;

(d) Nonprofit water companies; or

(e) Nonprofit sewer companies;

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

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

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

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

participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

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

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

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

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

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

(7) Employ agents and employees;

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

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

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

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

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

association, municipally owned or public utility;

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

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

(14) Have and use a corporate seal;

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

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

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

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

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

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

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

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

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

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

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

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

2. Each bond issued pursuant to the provisions of sections 393.700 to 393.770 shall contain a statement that such bond is not an indebtedness of the state, or of any political subdivision thereof, other than the joint municipal utility commission,

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

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

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

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

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

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

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

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

2. All property, real and tangible personal,

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

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

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

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

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

Further amend the title and enacting clause accordingly.

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

Senator Singleton assumed the Chair.

Senator Stoll offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

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

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

Senator Goode offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "relating to telecommunications"; and

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

"**441.238. 1. For the purposes of this section, the following terms mean:**

(1) "Multiple dwelling unit", any residential structure that contains four or more separate residential units;

(2) "Owner", the record owner or owners, and the beneficial owner and owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit; and

(3) "Provider", a business that holds a certification of services authority to provide local exchange telecommunication service from the Missouri public service commission or a business that holds a cable franchise with a local governing body pursuant to 47 U.S.C. Section 541.

2. An owner who has entered into an agreement with a provider to grant the provider an exclusive easement or an exclusive right to provide service to the owner's multiple dwelling units may, at the owner's option and without penalty, void the exclusivity provisions of the existing agreement if the owner intends to enter into an agreement with another provider who requests to serve the owner's multiple dwelling units. The owner may then negotiate an agreement with the requesting provider, provided that the subsequent agreements with the requesting provider and the incumbent provider do not place the owner in a worse position financially than the original agreement with the incumbent provider.

3. In no event shall an owner be mandated to allow a particular provider access to their property. However, should an owner decide to negotiate with a provider and if the requesting provider and the owner cannot agree on an appropriate rate of compensation or cannot determine the amount of compensation that is necessary to not place the owner in a worse position financially than the original agreement with the incumbent provider, an arbitrator shall be appointed to determine the appropriate level of compensation due to the owner. The arbitrator shall be an individual who is mutually agreeable to the parties or, if the parties cannot agree, the requesting provider may file a petition with the state circuit court to request that a judge appoint the arbitrator. The terms and conditions of the original agreement with the incumbent provider shall be made available to the arbitrator. The cost of such a petition and arbitrator shall be borne by the requesting provider.

4. After August 28, 2002, a provider and an owner shall not enter into any new agreement,

renew any existing agreement, or add any multiple dwelling units to an existing agreement that gives the provider an exclusive easement or an exclusive right to provide service to the owner's multiple dwelling units.

5. Any provision of an existing agreement that grants a provider an exclusive easement or an exclusive right to provide service to an owner's multiple dwelling units shall expire five years from the date the agreement was executed or on April 1, 2005, whichever first occurs, unless the owner exclusively desires for the contract to continue for the existing length of said contract.

6. An owner shall not enter into an agreement, and a provider shall not enforce an agreement, that is designed to circumvent rules prescribed by the Federal Communications Commission with respect to cable home run wiring or inside wiring that is used to provide telecommunication services to tenants.

7. Nothing in this section shall limit the jurisdiction of the public service commission regarding private shared tenant services pursuant to section 392.520, RSMo.*"*; and

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

Senator Goode moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 6** is out of order as the amendment goes beyond the scope and purpose of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kenney offered **SA 7**:

SENATE AMENDMENT NO. 7

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

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

(1) "Pornographic for minors", as that term is defined in section 573.010, RSMo;

(2) "Public access computer", a computer that is:

(a) Located in an elementary or secondary public school or public library;

(b) Frequently or regularly used directly by a minor; and

(c) Connected to any computer communication system.

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

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

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

2. The department of elementary and secondary education shall establish rules and regulations for the enforcement of subsection 1 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently

held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

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

4. The secretary of state shall establish rules and regulations for the enforcement of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

Further amend the title and enacting clause accordingly.

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

Senator Bland offered **SA 8**:

SENATE AMENDMENT NO. 8

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

"**393.143. Notwithstanding any provisions of sections 393.130 and 393.140 to the contrary, the commission shall have the authority and discretion for good cause shown, upon notice and after an on-the-record hearing, unless waived, to direct that sums representing unauthorized use charges, penalties, or refunds from interstate or intrastate pipeline, including interest on such sums, received by a gas corporation, as well as any penalties resulting from the violation of a gas corporation's tariffs, be allocated among ratepayers in such manner as the commission finds to be in the public interest. In no event shall the provisions of this section be construed to allow refunds to be made to persons other than those individuals whose income is no greater than two hundred**

percent of the federal poverty guidelines."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Goode, Jacob, Sims and Stoll.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Coleman	Goode
Jacob	Schneider	Wiggins—7	

NAYS—Senators

Bentley	Cauthorn	Childers	Dougherty
Foster	Gibbons	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Sims	Singleton	Steelman
Stoll	Westfall	Yeckel—23	

Absent—Senators

Quick	Russell	Staples—3

Absent with leave—Senator DePasco—1

Senator Childers offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 8, by adding after the "." on said line the following:

"**386.887. 1. This section shall be known and may be cited as the "Consumer Clean Energy Act".**

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

(1) "Commission", the public service commission of the state of Missouri;

(2) "Customer-generator", a consumer of electric energy who purchases electric energy from a retail electric energy supplier and is the owner of a qualified net metering unit;

(3) "Local distribution system", facilities for the distribution of electric energy to the ultimate consumer thereof;

(4) "Net energy metering", a measurement of the difference between the electric energy supplied to a customer-generator by a retail electric supplier and the electric energy generated by a customer-generator that is delivered to a local distribution system at the same point of interconnection;

(5) "Qualified net metering unit", an electric generation unit which:

(a) Is owned by a customer-generator;

(b) Is a hydrogen fuel cell or is powered by sun, wind or biomass;

(c) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

(d) Is located on the premises that are owned, operated, leased or otherwise controlled by the customer-generator;

(e) Is interconnected and operates in parallel and in synchronization with a retail electric supplier; and

(f) Is intended primarily to offset part or all of the customer-generator's own electrical requirements;

(6) "Retail electric supplier" or "supplier", any person that sells electric energy to the ultimate consumer thereof;

(7) "Value of electric energy", the total resulting from the application of the appropriate rates, which may be time of use rates at the option of the supplier, to the quantity of electric energy produced from qualified net metering units or to the quantity of electric energy sold to customer-generators.

3. By August 28, 2003, each retail electric supplier shall adopt rates, charges, conditions and contract terms for the purchase from and the sale of electric energy to customer-generators. The commission, in consultation

with the department and retail electric suppliers, shall develop a simple contract for such transactions and make it available to eligible customer-generators and retail electric suppliers. Upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the purchase from the customer-generator may be by the wholesale generator. Any time of use or other rates charged for electric energy sold to customer-generators shall be the same as those made available to any other customers with the same net electric energy usage pattern including minimum bills and service availability charges. Rates for electric energy generated by the customer-generator from a qualified net generating unit and sold to the retail electric supplier or its wholesale generator shall be the avoided cost (time of use or non-time of use) of the generation used by the retail electric supplier to serve its other customers. Whenever a customer-generator with a qualified net generating unit uses any energy generation method entitled to eligibility under a minimum renewable energy generation requirement, the total amount of energy generated by that method shall be treated as generated by the generator providing electric energy to the retail electric supplier for purposes of such requirement. The wholesale generator, at the option of the retail electric supplier, shall receive credit for emissions avoided by the wholesale generator because of electric energy purchased by the wholesale generator or the retail electric supplier from a qualified net metering unit. If the supplier is required to file tariffs with the commission, the commission shall review the reasonableness of the charges provided in such tariffs.

4. Each retail electric supplier shall calculate the net energy measurement for a customer-generator in the following manner:

(1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator during each billing period using an electric metering capable of such function, either by a single meter capable of registering the flow of electricity in two directions or by using multiple meters;

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

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

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

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

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

6. Each retail electric supplier shall maintain and make available to the public

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

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

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

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

10. The sale of qualified net metering units shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified net metering units. Such rules shall as a minimum require disclosure or the standards of subsection 7 of this section and potential liability of the owner or operator of a qualified net metering unit to third persons for personal injury or property damage as a result of negligent operation of a qualified net metering unit. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to

delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman moved that **SCS** for **HB 1402**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HB 1402**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senator Dougherty—1

Absent—Senators

Coleman	Kinder	Quick	Staples—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senator Dougherty—1

Absent—Senators

Coleman	Kinder	Quick	Staples—4

Absent with leave—Senator DePasco—1

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

HB 2078, introduced by Representative Clayton, entitled:

An Act to repeal sections 141.265, 142.027, 313.335, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **HB 2078** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Mathewson Quick Russell Staples—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Foster moved that **HB 1348**, with **SCS**, **SS** for **SCS**, **SSA 1** for **SA 2**, **SA 2** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Goode, the pending point of order was withdrawn.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Caskey, the above substitute amendment was withdrawn.

SA 2 was again taken up.

At the request of Senator Cauthorn, the above amendment was withdrawn.

At the request of Senator Foster, **SS** for **SCS** for **HB 1348** was withdrawn.

Senator Foster offered **SS No. 2** for **SCS** for **HB 1348**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 254.020, 254.040, 261.110, 261.230, 261.235, 261.239, 263.531, 270.170, 275.464, 311.554, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions and a severability clause.

Senator Foster moved that **SS No. 2** for **SCS** for **HB 1348** be adopted.

At the request of Senator Foster, **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HCS** for **HB 1695**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 adopted **SS** for **HB 2023** and has taken up and passed **SS** for **HB 2023**.

Also,

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

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **HCS** for **SB 758** are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 810**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences dealing with the spend down issue.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 895**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 712**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 712**, as amended: Senators Singleton, Steelman, Gross, Caskey and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 810**, as amended: Senators Dougherty, Stoll, Bentley, Sims and Steelman.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970**, **968**, **921**, **867**, **868** and **738**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

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

Photographers from the Associated Press, KOMU-TV and the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1502** and **1821**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Westfall, **HB 1196**, with **SCS**, was placed on the Informal Calendar.

HB 1489 and **HB 1850**, with **SCS**, were placed on the Informal Calendar.

HS for **HCS** for **HB 1962**, with **SCS**, was placed on the Informal Calendar.

Senator Foster moved that **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HB 1348** was again taken up.

At the request of Senator Foster, **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending) was placed on the Informal Calendar.

Senator Childers assumed the Chair.

HB 1086, with **SCS**, introduced by Representative Harlan, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

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

SCS for **HB 1086**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1086

An Act to amend chapters 166 and 197, RSMo, by adding thereto two new sections relating to confidentiality of information held by certain governmental entities.

Was taken up.

Senator House moved that **SCS** for **HB 1086** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1086, Page 2, Section 197.150, Line 13, by inserting after all of said line the following:

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

(1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;

(2) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;

(3) "Public hospital", a hospital organized pursuant to section 81.190, RSMo, or section 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo, and which received direct tax funding from the local jurisdiction in the previous fiscal year that was less than five percent of the hospital's gross revenues for that fiscal year;

(4) "Public record", the same as such term is defined in subdivision (6) of section 610.010, RSMo;

(5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;

(6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the federal Employment Retirement Income Security Act of 1974, as amended.

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close portions of records and meetings of the entity that it manages or controls if such portions of records and meetings pertain to:

(1) The payment amounts and payment methodologies of its contract proposals to, and contracts with, a health carrier or a self-insured health plan. Information concerning the parties involved and the duration of such a contract shall be a public record;

(2) Discussion and analysis of:

(a) Developing a new health service or a new facility;

(b) Expanding or revising an existing health service or facility; or

(c) Entering into a shared service arrangement or other affiliate agreement;

(3) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to, and contracts with, a physician. While the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or related organization's overall financial statements and such statements shall be a public record;

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to

prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SCS** for **HB 1086** is out of order as it exceeds the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

HB 1086 was taken up.

On motion of Senator House, **HB 1086** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Gibbons	Loudon	Quick	Staples—4

Absent with leave—Senator DePasco—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 1489 and **HB 1850**, with **SCS**, entitled respectively:

An Act to repeal sections 50.550, 143.782, 558.019 and 559.021, RSMo, and to enact in lieu thereof seven new sections relating to county crime reduction funds, with penalty provisions.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to sheriff's charges.

Were called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 1489** and **HB 1850**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1489 AND
HOUSE BILL NO. 1850

An Act to repeal sections 50.550, 56.765, 57.280, 143.782, 488.5017, 558.019 and 559.021, RSMo, and to enact in lieu thereof eleven new sections relating to certain law enforcement funding, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **HB 1489** and **HB 1850** be adopted.

Senator Steelman offered **SS** for **SCS** for **HB 1489** and **HB 1850**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1489
AND
HOUSE BILL NO. 1850

An Act to repeal sections 50.550, 56.765, 57.280, 143.782, 488.5017, 558.019 and 559.021, RSMo, and to enact in lieu thereof fourteen new sections relating to certain law enforcement funding, with penalty provisions.

Senator Steelman moved that **SS** for **SCS** for **HB 1489** and **HB 1850** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 10, Section 57.280, Line 2, by inserting immediately after said line the following:

"**67.584. 1. The governing body of any county of the first classification without a charter form of government with a population of greater than one hundred ninety-eight thousand inhabitants and less than one hundred ninety-eight thousand two hundred inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.**

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

"Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

9 Yes 9 No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the

governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said bill, page 24, Section 1, line 11, by inserting immediately after said line the following:

"Section B. Because of the need to increase revenue for prosecuting attorney's offices, section 67.584 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 67.584 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Stoll 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 Bill No. 1489 and House Bill No. 1850, Page 2, Section 43.659, Line 27, by inserting after all of said line the following:

"**49.272. 1. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.**"; and

Further amend said bill, Page 5, Section 50.555, Line 14, by inserting after all of said line the following:

"56.640. **1.** If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend."; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall assumed the Chair.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 1, Section 43.653, Line 7 of said page, by striking the words "state highway patrol" and inserting in lieu thereof the words "**department of public safety**"; and further amend line 9 of said page, by striking the words "state highway patrol" and inserting in lieu thereof the words "**department of public safety**"; and

Further amend said bill, Page 2, Section 43.659, Line 15 of said page, by striking the words "state highway patrol" and inserting in lieu thereof the words "**department of public safety**".

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

standing division vote.

Senator Singleton raised the point of order that **SCS** for **HB 1489** and **HB 1850** is out of order as it goes beyond the scope and intent of the original house bills.

Senator Singleton raised a second point of order that **SS** for **SCS** for **HB 1489** and **HB 1850** is out of order as it goes beyond the scope and intent of the original bill.

The points of order were referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order on the **SCS** not well taken.

President Pro Tem Kinder ruled the point of order on **SS** for **SCS** not well taken.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Pages 2-4, Section 50.550, by striking said section from the bill; and

Further amend said bill, Pages 4-5, Section 50.555, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Pages 2-4, Section 50.550, by striking said section from the bill; and

Further amend said bill, Pages 4-5, Section 50.555, by striking said section from the bill; and

Further amend said bill, Pages 12-17, Section 558.019, by striking said section from the bill; and

Further amend said bill, Pages 17-19, Section 559.021, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **HB 1489** and **HB 1850**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), were 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 concurred in **SA 1**, **SA 3**, **SA 4** to **HB 1926** and has taken up and passed **HB 1926**, as amended.

Emergency clause adopted.

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

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 **HS** for **HCS** for **SCS** for **SB 810**, as amended. Representatives: Baker, Harlan, Graham, Portwood, Holand.

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 **HS** for **HCS** for **SB 895**, as amended. Representatives: Liese, Monaco, Ward, Luetkemeyer and Wright.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SBs 915**, **710** and **907**, entitled:

An Act to repeal sections 142.803, 144.020, 144.021, 144.440, 144.805, 155.080, 226.030, 226.134, 226.200, 226.585, 227.100, 302.341, 302.720, and 304.001, RSMo, section 304.157 as enacted by senate bill no. 17 of the first regular session of the ninetieth general assembly and section 304.157 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19 of the first regular session of the ninetieth general assembly, and to enact in lieu thereof sixty-six new sections relating to measures to increase funding for transportation, with a referendum clause, effective date and a contingent termination date for certain sections.

With House Amendments Nos. 1, 3, 4, 5, 6, 7, 8, 12, 13 and 15.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 18, Section 142.803, Line 17 of said page, by inserting after said line the following:

"**3. In addition to the tax levied and imposed pursuant to subdivision (1) of subsection 1 of this section, an additional tax of three cents per gallon is hereby levied and imposed on motor fuel used or consumed in this state. The revenue derived from the additional tax of three cents per gallon imposed pursuant to this subsection shall be distributed and used as provided in article IV, section 30(a) of the Missouri Constitution. The additional tax imposed pursuant to this subsection is imposed upon the ultimate consumer, but is to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax. The additional revenue derived from the tax imposed by this subsection shall not be part of the total state revenue within the meaning of article X, sections 17 and 18 of the Missouri Constitution. The expenditure of this revenue shall not be an expense of state government pursuant to article X, section 20 of the Missouri Constitution. The additional tax imposed by this section shall expire on December 31, 2022.**"; and

Further amend said bill, Page 21, Section 144.020, Line 23 of said page, by inserting immediately after the word "**tax**" the following: "**of three-fourths**"; and

Further amend said bill, Page 22, Section 144.020, Line 4 of said page, by inserting immediately after the words "**equivalent to**" the following: "**three-fourths of** "; and

Further amend said bill, Page 22, Section 144.020, Line 10 of said page, by inserting immediately after the word "**additional**" the following: "**three-fourths of** "; and

Further amend said bill, Page 22, Section 144.020, Line 13 of said page, by inserting immediately after the word "**additional**" the following: "**three-fourths of** "; and

Further amend said bill, Page 22, Section 144.020, Line 17 of said page, by inserting immediately after the word "**additional**" the following: "**three-fourths of** "; and

Further amend said bill, Page 24, Section 144.021, Line 1 of said page, by deleting the words "[four] **five**" and inserting in lieu thereof the following: "four **and three-fourths**"; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 35, Section 226.201, Line 16, by deleting the word "shall" and inserting in lieu thereof the word "may"; and

Further amend said bill, Section 226.201, Line 23, by deleting the word "shall" and inserting in lieu thereof the word "**may**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 39, Section 227.100, Line 21, by inserting immediately after the word "or" and before the word "arising" the word "**controversy**".

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710, and 907, Page 41, Section 233.298, Line 12 of said page, by inserting after all of said line the following:

"**238.500. Sections 238.500 to 238.552 shall be known as the "Missouri Regional Transportation Development District Act".**

238.502. 1. As used in sections 238.500 to 238.552, the following terms mean:

(1) "Board", the board of directors of a district;

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

(3) "District", a regional transportation development district organized pursuant to sections 238.500 to 238.552;

(4) "Local transportation authority", a county, city, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake, or river port, airport, railroad, light rail, or other transit improvement or service;

(5) "Project" includes construction, renovation, preservation, operation, or maintenance of any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bike, or pedestrian improvement, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake, or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of article X, sections 11(c), 16, and 22 of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.500 to 238.552, the following terms shall have the meanings given:

(1) "Approval of the required majority" or "direct voter approval", a simple majority;

(2) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.504. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain, and operate one or more projects or to assist in such activity.

2. A district is a political subdivision of the state.

238.506. 1. Whenever the creation of a district is desired, not less than fifty registered voters from a county or city not within a county may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county or city not within a county within the proposed district.

2. Alternatively, the governing body of any county or city not within a county may pass a petition allowing voters to decide upon creation of a district. The petition shall be filed in the circuit court of any county or city not within a county within the proposed district.

3. The proposed district area shall be contiguous and may contain one or more counties and a city not within a county. Property separated only by public streets shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence, and county of residence of each individual petitioner, or shall recite that the petitioner is the governing body of that city or county acting in its official capacity;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the transportation projects proposed to be undertaken by that district;

(4) The name of the proposed district;

(5) The number of members of the board of directors of the proposed district, which shall be three from each county or city not within a county within the proposed district;

(6) A statement that the terms of office of initial board members shall be staggered to expire in two, four, and six years;

(7) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters residing within the limits of the proposed district whether they will establish a regional transportation development district for funding transportation projects;

(8) A proposal for funding the district initially, pursuant to the authority granted in sections 238.500 to 238.552, together with a request that the funding proposal be submitted to the qualified voters residing within the limits of the proposed district.

238.508. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A POPULAR VOTE THE CREATION AND FUNDING OF A REGIONAL TRANSPORTATION DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a regional transportation development district by the name of ".....Regional Transportation

Development District" be formed for the purpose of funding the transportation projects. A copy of this petition is on file and available at the office of the clerk of the circuit court of .... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the regional transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20... You may show cause, if any there be, why such petition is defective or proposed regional transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary, or special election as directed by this court.

..... Clerk of the Circuit Court of

..... County.

2. The circuit clerk shall also submit the same notice to the commission.

3. The circuit court may also order a public

hearing on the question of the creation of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. If a public hearing is ordered, notice of the time, date, and place of the hearing shall also be given in the notice specified in this section.

238.510. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.512.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a regional transportation development district, to be known as the "..... Regional Transportation Development District" for the purpose of funding transportation projects and to have the power to fund the proposed projects upon voter approval by any or all of the following methods: sales tax, tolls, and bonds?

3. The results of the election shall be entered upon the records of the circuit court of the county or city not within a county in which the petition was filed. Also, a certified copy thereof shall be filed with the clerk of each county or city not within a county of the proposed district, who shall cause the same to be spread upon the records of the county commission or the city not within a county. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the regional transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

238.512. 1. Except as otherwise provided in section 238.516 with respect to the election of directors, in order to call any election required or allowed in sections 238.500 to 238.552, the circuit court shall order the clerk to cause the questions to appear on the ballot on the next regularly scheduled municipal, or state general, primary, or special election day, which date shall be the same in each county or city not within a county included within and voting upon the proposed district.

2. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the clerk of each county and city not within a county of the proposed district, who shall cause the same to be spread upon the records of the county commission and the city not within a county.

238.514. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 238.500 to 238.552, the petitioners may be reimbursed for such costs out of the revenues received by the district.

238.516. 1. At the time of the organizing election, three directors from each county or city not within a county shall be elected.

2. Candidates shall pay the sum of fifty dollars as a filing fee to the clerk of the county or city not within a county and shall file with the election authority of such county or city not within a county a statement under oath that the candidate possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

3. The director or directors to be elected shall be elected at large within the county or city not within a county. The candidate receiving the most votes from qualified voters shall be elected to the position having the six-year term, the second highest total votes elected to the position having the four-year term, and the third highest total votes elected to the position having a two-year term. Each initial director shall serve the term to which the director was elected, and until a successor is duly elected and qualified. Each successor director shall serve a six-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

238.518. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. The board shall meet within thirty days after the election of the initial directors. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members the board shall elect a chair from its members.

3. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for actual and necessary expenditures in the performance of duties on behalf of the district.

238.520. 1. Before construction of any project to be merged into the state highways and transportation system, the district shall submit the proposed project, together with the proposed plans and specifications, to the commission for its prior approval of the project. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may approve the project subject to the district making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. Before construction of any project that is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall submit the proposed project, together with proposed plans and specifications, to the local transportation authority for its prior approval. The local transportation authority may approve the project subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local

transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

238.522. 1. A district may use sales taxes, tolls, or bonds specifically authorized by sections 238.500 to 238.552 to fund a project.

2. At any time during the existence of the district the board may submit or resubmit a proposed funding method authorized by sections 238.500 to 238.552 for transportation projects to the qualified voters for approval.

3. The district may by contract with the commission agree to send to the commission any revenue received by the district from any funding method authorized by sections 238.500 to 238.552. Such revenue and interest therefrom shall be deposited by the commission pursuant to section 227.180, RSMo, and applied by the commission to project costs, including debt service, on revenue bonds, or refunding bonds issued by the commission.

4. Revenue raised by the regional transportation development district shall provide additional funding for transportation projects and purposes. The commission shall not reduce funding from any source provided to the area covered by the regional transportation development district below the amount received in the fiscal year of the district's organization except when state or federal taxes or fees are reduced, in which case the reduction must not exceed the proportion of the tax or fee reduction. The commission shall increase funding in each fiscal year to the area covered by the regional transportation development district by at least the percent growth in all funding sources. Any and all federal funds designated by federal law, regulation, or appropriation to the area covered by the regional transportation development district must be passed through to the district in full.

5. The district may by contract with a local transportation authority agree to send the local transportation authority any revenue received by the district. The local transportation authority shall deposit such revenue in a special local trust account. Such revenue and interest therefrom shall be applied by the local transportation authority to project costs.

238.524. 1. Any transportation development district which consists of one or more counties or city not within a county, may by resolution impose a regional transportation development district sales tax on all retail sales made in such regional transportation development district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the regional transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless the board of directors of the regional transportation development district submits to the qualified voters of the regional transportation development district, at a municipal or state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose a sales tax or tolls pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional transportation development district of ..... (regional transportation development district's name) impose a regional transportation development district-wide sales tax at the rate of (insert amount) for a period of .....(insert number) years from the date on which such tax is first imposed for the purpose funding transportation projects?

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the regional transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the regional transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. Within ten days after the adoption of any resolution in favor of the adoption of a regional transportation development district sales tax by the qualified voters of such regional transportation development district, the regional transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax.

4. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together, and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

5. All revenue received by a regional transportation development district from the tax authorized by this section which has been designated for certain transportation purpose, less one percent to pay for the costs of collection deposited by the department of revenue in the state's general revenue fund, shall be deposited by the district in a special local trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to this section or if the tax authorized by this section is repealed pursuant to this section, all funds remaining in the special local trust fund shall continue to be used solely for such designated transportation purposes. Any funds in such special local trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other regional transportation development district funds.

6. The sales tax may be imposed at a rate of up to one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the regional transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to sections 144.010 to 144.525, RSMo, except such regional transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats, or outboard motors nor to public utilities. Any regional transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the resolutions as authorized by this section, plus any amounts imposed pursuant to other provisions of law.

8. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed in this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed in this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the regional transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

9. If any regional transportation development district repeals the tax authorized by this section, the regional transportation development district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such

regional transportation development district, the director of revenue shall remit the balance in the account to the regional transportation development district and close the account of that transportation development district. The director of revenue shall notify each regional transportation development district of each instance of any amount refunded or any check redeemed from receipts due the regional transportation development district.

10. (1) No regional transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed, or revenue bonds, notes, or other obligations which it has issued or which have been issued by the commission to finance any project or projects.

(2) Whenever the board of directors of any regional transportation development district in which a regional transportation development sales tax has been imposed pursuant to this section receives a petition, signed by ten percent of the qualified voters of such regional transportation development district calling for an election to repeal such sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed, or revenue bonds, notes, or other obligations which it has issued or which have been issued by the commission to finance any project or projects, submit to the voters of such regional transportation development district a proposal to repeal the sales tax imposed pursuant to this section at the next municipal, state general, primary, or special election. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the sales tax, then the resolution imposing the sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the sales tax, then the ordinance or resolution imposing the sales tax, along with any amendments thereto, shall remain in effect.

238.526. 1. If approved by a majority of the qualified voters voting on the question in the district, the district may charge and collect tolls or fees for the use of a transportation project. The board may charge a lower toll rate or fee than that amount approved by the district voters, and may increase that lower toll rate or fee to a level not exceeding the toll or fee rate ceiling without voter approval. Toll rates or fees for the use of the same project may vary at the election of the board, depending upon the type or nature of the user, or the type or nature of the use.

2. The ballot of submission shall be substantially in the following form:

Shall the Regional Transportation Development District be authorized to charge tolls or fees in amounts not to exceed those given below:

Maximum Toll or Fee Toll or Fee Description (Insert amount) (Insert a brief description of the toll or fee, distinguishing it from other tolls or fees to be charged on the same project)(Insert amount) (Describe the next toll or fee charged) (Etc.) (Etc.) for the purpose of providing revenue to fund a project (or projects) in the district (insert general description of the project or projects, if necessary)?

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. To construct a toll facility, a district may relocate an existing state highway or bridge, subject to approval by the commission, or an existing local public bridge, street, or road,

subject to approval by the local transportation authority having control and jurisdiction over such street or road. A district shall not incorporate an existing free public bridge, street, road, or highway into a district project that will be subject to tolls.

238.528. A district may:

(1) Contract and incur liabilities appropriate to accomplish its purposes;

(2) Lease or lease-purchase any real or personal property necessary or convenient for its purposes;

(3) Borrow money for its purposes at such rates of interest as the district may determine; and

(4) Issue bonds, notes, and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 238.500 to 238.552. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it obtained by eminent domain. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it acquired from the state of Missouri or any agency or political subdivision thereof without the written consent of the state, agency, or political subdivision from which it obtained the property.

238.530. 1. A district may at any time authorize or issue revenue bonds for the purpose of paying all or any part of the cost of any project. Every issue of such bonds shall be payable out of the revenues of the district and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of twenty-five years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide notwithstanding section 108.170, RSMo. The bonds may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

2. Any issue of district bonds outstanding may be refunded at any time by the district by issuing its refunding bonds in such amount as the district may deem necessary. Such bonds may not exceed the amount sufficient to refund the principal of the bonds so to be refunded together with any unpaid interest thereon and any premiums, commissions, service fees, and other expenses necessary to be paid in connection with the refunding. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds being refunded or by the exchange of the refunding bonds for the bonds being refunded with the consent of the holder or holders of the bonds being refunded. Refunding bonds may be issued regardless of whether the bonds being refunded were issued in connection with the same project or a separate project and regardless of whether the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

3. If the proposed project is intended to be merged into the state highways and transportation system for future maintenance under the commission's jurisdiction, the district may contract with the commission to assist it in issuing district revenue bonds and refunding bonds. The district may also contract with the commission to issue commission revenue bonds and refunding bonds and to loan the proceeds thereof to the district. Such bonds shall be authorized by commission minute and shall be issued subject to conditions applicable to bonds issued by the district but as determined by the commission rather than the district.

4. Bonds issued pursuant to this section shall exclusively be the responsibility of the district payable solely out of district funds and property provided in sections 238.500 to 238.552 and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Neither the district nor the commission shall be obligated to pay such bonds with any funds other than those specifically pledged to repayment of the bonds. Any bonds issued by a district or the commission shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

5. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds shall be exempt from taxation in the state of Missouri for all purposes except the state estate tax.

238.532. The district may:

(1) Purchase land or receive contributions of land and cash for project right-of-way;

(2) Limit and control access from adjacent property to a district project; and

(3) Sell and convey excess right-of-way for fair market value to any person or entity.

238.534. 1. The district may condemn lands for a project in the name of the state of Missouri as to the necessity for the taking of the description of the parcel and the interest taken in that parcel.

2. If condemnation becomes necessary the district shall act pursuant to chapter 523, RSMo, and may condemn a fee simple or other interest in land.

3. The district may, after prior notice to the owner to enter upon private property, survey and determine the most advantageous route and design. The district shall be liable for all damages done to the property by such inspection.

4. Any person who involuntarily transfers any interest in land to a district which becomes insolvent and comes under the jurisdiction of a court may reacquire that property by paying to the district the total amount of the condemnation award for that parcel, plus statutory interest at the statutory rate from the date of taking on the amount of that award, if the project will not be completed by either the district, the commission, or a local transportation authority.

5. Whenever a district undertakes any project which results in the acquisition of real property or in any person or persons being displaced from their homes, businesses, or farms, the district shall provide relocation assistance and make relocation payments to such displaced person and do such other acts and follow such procedures as would be necessary to comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

238.536. The district may contract with:

(1) A federal agency, a state or its agencies and political subdivisions, the commission, a local transportation authority, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing,

improving, maintaining, or operating a project or to assist in such activity; and

(2) The commission to transfer the project to the commission free of cost or encumbrance on such terms set forth by contract. The commission is authorized to adopt reasonable administrative rules relating to regional transportation development districts under chapter 536, RSMo;

(3) The local transportation authority to transfer the project to the local transportation authority free of cost or encumbrance on such terms set forth by contract.

238.538. In addition to all other powers granted by sections 238.500 to 238.552, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors. All contracts in excess of ten thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder;

(3) To purchase any personal property necessary or convenient for its activities. All outright purchases of personal property in excess of ten thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder;

(4) To collect and disburse funds for its activities; and

(5) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

238.540. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers, and its employees from any potential liability, and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project to obtain liability insurance having the district, its directors, and its employees as additional named insureds.

3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.

238.542. The district may contract with the commission and local transportation authorities to obtain assistance in project funding, promotion, planning, design, right-of-way acquisition, relocation assistance services, construction, preservation, maintenance, and operation. The commission or any local transportation authority may charge the district a reasonable fee, not exceeding the actual cost of providing the service. The commission is authorized to adopt reasonable administrative rules relating to regional transportation development districts pursuant to chapter 536, RSMo. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

238.544. The state of Missouri, upon approval by an appropriate act of the general assembly, the commission, or a local transportation authority holding title to real estate, may give, grant, and convey to or for the use of a district such right-of-way or other

easement in such real estate as may be necessary for the development of a project.

238.546. 1. For the purpose of law enforcement, all district projects to be transferred to the commission shall be treated as commission highways under chapter 43, RSMo, and all projects to be transferred to a local transportation authority shall be treated as streets or roads of that entity.

2. All laws of this state relating to maintaining, signing, damaging, and obstructing roads shall apply to district projects. The duties and powers imposed by such laws on certain officials shall devolve upon the district's engineer or other employee designated by the board. Nothing in this subsection shall be deemed to interfere with, restrict, or limit the authority of the commission to govern and control highway marking, signalization, and signing to the extent the commission is authorized by law.

3. For outdoor advertising and junkyard control purposes, a district project may be designated by the commission as a part of the state primary highway system and by a local transportation authority as a part of its street or road system.

238.548. Unless otherwise approved by contract of the district, project improvements shall not be under the control and jurisdiction of a local transportation authority while the district retains control and jurisdiction over the project. The provisions of chapter 228, RSMo, are inapplicable to transportation development districts.

238.550. The state auditor shall audit each district not less than once every three years, and may audit more frequently if the state auditor deems appropriate. The state auditor shall also audit each district before it is abolished. The costs of these audits shall be paid by the district.

238.552. 1. At such time as a district has completed its projects and has transferred ownership of the projects to the commission or other local transportation authority for maintenance, or at such time as the board determines that it is unable to complete its projects due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the ..... Regional Transportation Development District be abolished?

2. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Before submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

3. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

4. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance

and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease."; and

Further amend said bill, Page 86, Section D, Line 4 of said page, by inserting after all of said line the following:

"Section E. Sections 238.500, 238.502, 238.504, 238.506, 238.508, 238.510, 238.512, 238.514, 238.516, 238.518, 238.520, 238.522, 238.524, 238.526, 238.528, 238.530, 238.532, 238.534, 238.536, 238.538, 238.540, 238.542, 238.544, 238.546, 238.548, 238.550, and 238.552 of section A of this act shall become effective January 1, 2003."; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 28, Section 144.805, Lines 1 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"**established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.**".

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 34, Section 226.200, Line 1, by inserting after the word "costs" the following: "**not to exceed a maximum of two percent for such collection costs,**".

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, by inserting in the appropriate location the following section:

"**226.094. 1. The state highways and transportation commission shall appoint an inspector general. The inspector general shall report to and be under the general supervision of the commission with periodic reports to the speaker of the house of representatives and the president pro tempore of the senate and the commission. However, the commission or general assembly, by concurrent resolution, may request the inspector general to perform specific investigations, reviews, or other studies, in which instance the inspector general shall report the findings and recommendations directly to the speaker of the house of representatives and the president pro tempore of the senate. The inspector general shall file an annual report with the joint committee on transportation oversight. The inspector general shall not be dismissed without cause by the commission unless the commission's actions are approved by concurrent resolution of the general assembly.**

2. The inspector general shall promote economy, efficiency, effectiveness, and public integrity in the administration of the programs and operations of the department; to detect and prevent fraud, waste, and abuse in department programs and operations; to conduct and supervise investigations and reviews relating to department programs and operations; to

provide independent and objective assistance to help assure the department is operated in compliance with the constitutions and laws of the United States and the state of Missouri; to keep the commission, the director, and the director's staff fully and currently informed about any problems or deficiencies relating to the administration of department programs and operations and the necessity for and progress of any corrective actions taken; and to perform other duties as the inspector general may be assigned by the director.

3. To accomplish the duties of the inspector general, the inspector general may:

(1) Request the issuance of a subpoena or a subpoena duces tecum in connection with any investigation and as deemed necessary by the inspector general. The commission, or any two members thereof, shall have the authority to issue such subpoenas and subpoenas duces tecum upon the request of, and after being provided information supporting the grounds for such issuance by, the inspector general. No commission member shall be summoned, deposed, subpoenaed, or otherwise compelled to testify or justify regarding the basis for, or the information provided regarding, the issuance of a subpoena or subpoena duces tecum pursuant to this section. Subpoenas and subpoena duces tecum shall extend to all parts of the state and shall be served and returned as in civil actions in the circuit court. In cases of refusal to obey a subpoena or subpoena duces tecum issued by the commission, the circuit court of Cole County, or of any county where the person or entity refusing to obey such subpoena or subpoena duces tecum may be found, on application by the inspector general, shall have the power and jurisdiction to issue an order requiring such person or entity to appear before the inspector general or produce the documents requested, and any failure to obey such order shall be punished by the court as a contempt thereof;

(2) Administer to or take from any person an oath, affirmation, or affidavit, which oath, affirmation, or affidavit, when administered or taken by or before an authorized employee of the inspector general, shall have the same force and effect as if administered or taken by or before an officer having a seal.

4. Notwithstanding any provision of law to the contrary, any record or document or thing including but not limited to any summary, writing, complaint, data of any kind, tape or video recordings, electronic transmissions, e-mail, other paper or electronic documents, records, reports, digital recordings, photographs, software programs and software, expense accounts, phone logs, diaries, travel logs, or other things, including originals or copies of any of the above, contained in the inspector general's files or department databases regarding a complaint, a review or an investigation by the inspector general relating to department programs, operations or employees, or a summary or description of the nature or subjects of such complaint, review, or investigation, or any complaint, review, or investigative report containing confidential recommendations regarding the subject of potential future reviews, investigations, prosecutions, or litigations, shall be considered closed records. In the event an investigation or review by the inspector general is being administered concurrently with a separate civil or criminal investigation by another federal, state or local agency or entity, this closed record protection will continue even if these closed documents are deemed necessary by the inspector general to be delivered outside of the office of the inspector general in order to accomplish the duties of the inspector general or when these closed documents are provided to the director or the commission for their information or review."; and

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

HOUSE AMENDMENT NO. 12

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, by inserting at the appropriate location the following section:

"136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000[,]**; and five dollars beginning August 28, 2002,** for those licenses biennially renewed pursuant to section 301.147, RSMo**. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo**;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each chauffeur's, operator's or driver's license -- two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000[,]**; and five dollars beginning July 1, 2003,** for six-year licenses issued or renewed;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri

Legislature and charged by this fee office

were requested by the fee agents."; and

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

HOUSE AMENDMENT NO. 13

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, by inserting at the appropriate location the following section:

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

2. The state highways and transportation commission shall implement and maintain an

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

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

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

HOUSE AMENDMENT NO. 15

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 74, Section 307.205, Line 6, by inserting after the word "**device**" the words "**on public roadways**".

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 refuses to recede from its position on **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970**, **968**, **921**, **867**, **868** and **738**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 895**, as amended: Senators Yeckel, Childers, Foster, Schneider and Wiggins.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HS** for **SCS** for **SBs 915**, **710** and **907**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1817**, with **SCS**, was placed on the Informal Calendar.

HB 1773, with **SCS**, introduced by Representatives Shelton and Carnahan, entitled:

An Act to repeal sections 84.140 and 84.160, RSMo, and to enact in lieu thereof two new sections relating to the police force in certain cities, with an emergency clause.

Was taken up by Senator Coleman.

SCS for **HB 1773**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1773

An Act to repeal sections 84.140 and 84.160, RSMo, and to enact in lieu thereof two new sections relating to the police force in certain cities, with an emergency clause.

Was taken up.

Senator Coleman moved that **SCS** for **HB 1773** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1773, Page 7, Section 84.160, Line

197, by inserting after all of said line the following:

"**590.502. As used in sections 590.502 to 590.514, the following terms shall mean:**

(1) "Employing law enforcement agency" or "law enforcement agency", this state or any 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;

(5) "Punitive action", disciplinary action taken against a law enforcement officer by the employing law enforcement agency, including and limited to dismissal, demotion, reduction or withholding of salary, or a disciplinary transfer.

590.505. 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 and have a hearing within ten days and the results of such hearing be reduced to writing shall be deemed to be in compliance with this section.

590.508. 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 officer's 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.

590.511. 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 and shall be granted a hearing within ten days. 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.

590.514. Any similar or like procedures to those provided for in sections 590.502 to 590.514 and that include a hearing upon request within ten days shall remain in effect in the law enforcement agencies that have established such procedures.

[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.**]**"; and

Further amend said bill, Page 7, Section B, Line 2, by striking the following: "section A" and inserting in lieu thereof the following: "the repeal and reenactment of sections 84.140 and 84.160"; and further amend line 5, by striking the following: "section A" and inserting in lieu thereof the following: "the repeal and reenactment of sections 84.140 and 84.160"; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Coleman raised the point of order that **SA 1** is out of order, as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SCS for **HB 1773** was again taken up.

Senator Coleman moved that **SCS** for **HB 1773** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **HB 1773** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Mathewson	Quick	Staples—3

Absent with leave—Senator DePasco—1

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

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

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

HS for **HCS** for **HB 1962**, with **SCS**, entitled:

An Act to repeal sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 482.330, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.425, 494.430, 506.060, 510.120, 511.350, 511.510, 516.200, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.030, 565.084, 577.051, 589.410, 595.045, 621.015 and 621.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-six new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Klarich.

SCS for **HS** for **HCS** for **HB 1962**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1962

An Act to repeal sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060, 510.120, 511.350, 511.510, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.084, 577.051, 589.410 and 595.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-one new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **SCS** for **HS** for **HCS** for **HB 1962** be adopted.

Senator Klarich offered **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1962

An Act to repeal sections 43.530, 43.540, 50.333, 57.290, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012, 488.015, 488.445, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060, 510.120, 511.510, 516.097, 517.111, 517.141, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 565.030, 565.084, 577.051, 589.410,

595.045 and 644.036, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-one new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1962** be adopted.

Senator Westfall assumed the Chair.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 39, Section 488.2253 of said page, by striking all of said section from the bill; 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 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Pages 22-24, Section 477.650, by deleting all of said section and inserting in lieu thereof the following:

"**477.650. The Missouri supreme court shall, beginning January 1, 2003, impose an additional one hundred twenty-five dollar fee on all duly licensed attorneys in this state as part of the annual registration for each attorney. This additional one hundred twenty-five dollar fee shall be distributed to the legal services organizations in Missouri which qualify for federal Legal Services Corporations funding. The moneys so distributed shall be used by legal services organizations in Missouri solely to provide legal services to eligible low-income persons as such persons are defined by the federal Legal Services' Corporation Income Eligibility Guidelines. Moneys shall be subject to all restrictions imposed on such legal services organizations by law. Moneys shall be allocated to the programs according to the funding formula employed by the Legal Services Corporation for the distribution of funds to Missouri. Such additional fee moneys shall be considered nonstate funds pursuant to the provisions of article IV, section 15 of the Missouri constitution. The Missouri supreme court, or a person or organization designated by the court, is the administrator and shall administer the moneys in such manner as determined by the Missouri supreme court, including in accordance with any rules and policies adopted by the Missouri supreme court for such purpose. Each recipient of moneys from the additional one hundred twenty-five dollar fee shall maintain appropriate records accounting for the receipt and expenditure of all moneys distributed and received pursuant to this section. These records must be maintained for a period of five years from the close of the fiscal year in which such moneys are distributed or received or until audited, whichever is sooner. All moneys distributed or received under this section are subject to audit by the Missouri supreme court or the state auditor.**"; and

Further amend the bill, pages 37-38, section 488.031, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kinder, Sims and Wiggins.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Goode
House	Kennedy	Kenney	Klindt
Mathewson	Quick	Rohrbach	Russell

Singleton	Westfall	Yeckel—15	

NAYS—Senators

Bentley	Bland	Dougherty	Foster
Gibbons	Gross	Jacob	Johnson
Kinder	Klarich	Loudon	Schneider
Sims	Steelman	Stoll	Wiggins—16

Absent—Senators

Coleman	Staples—2

Absent with leave—Senator DePasco—1

President Pro Tem Kinder assumed the Chair.

Senator House offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 81, Section 6, Line 26, by inserting after all of said line the following:

"**Section 7. Bonds posted by a licensed bail bondsman shall be released at the time of sentence imposition.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 41, Section 488.4014, by striking all of said section; and

Further amend said bill, page 43, section 488.5320, by striking all of said section; and

Further amend said bill, page 66, section 595.045, by striking all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 56, Section 517.111, by striking all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 12, Section 143.782, Line 25, by inserting immediately after said line the following:

"287.210. 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, his insurer, the commission, the division or an administrative law judge, the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the

appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. **In the case of a claim against the second injury fund, the administrative law judge may appoint an impartial physician to examine at the request of the state upon a finding that there is no other adequate medical evidence available and necessary to the state upon the issues presented by the second injury claim.** The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be **[**paid as other costs under this chapter**] assessed by the administrative law judge against any party and become immediately payable**. If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation **[**under**] pursuant to** this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms "physician's report" and "medical report" mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term "complete medical report" means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other foundational evidence subject to compliance with the following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to

all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination testimony by deposition not later than seven days before the matter is set for hearing, and each cross-examiner shall compensate the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. **[**The provisions of this subsection shall not apply to claims against the second injury fund.**]**

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation **[**under**]** **pursuant to** this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Gross offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 2 of amendment, Section 287.210, Line 8, by deleting said line and inserting in lieu thereof the following: "**administrative law judge against the second injury fund and become immediately**".

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

SA 6, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 27, Section 483.015, Line 10, by deleting all of said section from the bill; and further amend page 28, section 483.083, by deleting said section from the bill; and further

amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Schneider offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Section 483.015, Line 25, by inserting after the numeral "3." the following: "upon adoption by a majority of the voters in the city of St. Louis"; and amend page 28, line 5, by adding: "the issue of whether the circuit clerk shall be appointed shall be submitted to the voters at the general election 2002.".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 7** was withdrawn.

Senator Gibbons requested unanimous consent of the Senate that the rules be suspended to allow the Conference Committee on **SCS** for **HB 2120** to meet in the West Gallery while the Senate is in session, which request was granted.

At the request of Senator Kennedy, **SA 7** was withdrawn.

At the request of Senator Klarich, **HS** for **HCS** for **HB 1962**, with **SCS** and **SS** for **SCS**, as amended (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 passed **HS** for **HCS** for **SB 1039**, entitled:

An Act to repeal sections 99.050 and 99.134, RSMo, and to enact in lieu thereof two new sections relating to municipal housing authority commissioners.

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 **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, entitled:

An Act to repeal sections 354.085, 354.405, 354.603, 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof eleven new sections relating to health insurance administrative simplification.

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

HOUSE AMENDMENT NO. 1

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

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

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by

inserting at the appropriate location the following section:

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

2. The hearing aids covered under this section shall:

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

"**376.1600. Any health carrier, as defined by section 376.1350, providing group health insurance plans or group health benefits to an employer having a group of twenty-five employees or more shall, upon request by the**

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

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

HOUSE AMENDMENT NO. 4

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

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

(1) "Basic health care services", health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and physician care**, and chiropractic care, as defined in chapter 331, RSMo**, and outpatient medical **and chiropractic** services;

(2) "Community-based health maintenance organization", a health maintenance organization which:

(a) Is wholly owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide health care treatment services in the service area described in the application for a certificate of authority from the department of insurance;

(b) Is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;

(c) Is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and of which a majority of the directors consist of equal numbers of the following:

a. Physicians licensed pursuant to chapter 334, RSMo;

b. Purchasers of health care services who live in the health maintenance organization's service area;

c. Enrollees of the health maintenance organization elected by the enrollees of such organization; and

d. Hospital executives, if a hospital is involved in the corporate ownership of the health maintenance organization;

(d) Provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization, using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;

(e) Is actively involved in attempting to improve performance on indicators of health status in the community or communities in which the health maintenance organization is operating, including the health status of those not enrolled in the health maintenance organization;

(f) Is accountable to the public for the cost, quality**,** and access of health care treatment services and for the effect such services have on the health of the community or communities in which the

health maintenance organization is operating on a whole;

(g) Establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of the health maintenance organization;

(h) Enrolls fewer than fifty thousand covered lives;

(3) "Covered benefit" or "benefit", a health care service to which an enrollee is entitled under the terms of a health benefit plan;

(4) "Director", the director of the department of insurance;

(5) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(6) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(7) "Enrollee", a policyholder, subscriber, covered person**,** or other individual participating in a health benefit plan;

(8) "Evidence of coverage", any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled;

(9) "Health care services", any services included in the furnishing to any individual of medical**, chiropractic,** or dental care or hospitalization, or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;

(10) "Health maintenance organization", any person which undertakes to provide or arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which meets the requirements of section 1301 of the United States Public Health Service Act;

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

(12) "Individual practice association", a partnership, corporation, association, or other legal entity which delivers or arranges for the delivery of health care services and which has entered into a services arrangement with persons who are licensed to practice medicine, osteopathy, dentistry,

chiropractic, pharmacy, podiatry, optometry, or any other health profession and a majority of whom are licensed to practice medicine or osteopathy. Such an arrangement shall provide:

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

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

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

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

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

(1) One of the National Institutes of Health (NIH);

(2) An NIH Cooperative Group or Center as defined in subsection 7 of this section;

(3) The FDA in the form of an investigational new drug application;

(4) The federal Departments of Veterans' Affairs or Defense;

(5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or

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

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

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

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

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

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

(a) The investigational item or service itself;

(b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and

(c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

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

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

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting the appropriate location the following:

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

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

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

2. [The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.] **For purposes of this section, "low protein modified food products" means foods that are specifically formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of any inherited metabolic disease. Low protein modified food products do not include foods that are naturally low in protein.**

3. The coverage required by this section may be subject to the same deductible for

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

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

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 15, Section 376.810, Line 15, by inserting after the word "**network**" on said line the following: "**for such policy or contract**".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 14, Section 354.603, Line 10, by adding: "4. or any managed care plan network that has been accredited by any accrediting agency approved by the department of insurance.".

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 30, Line 48, by adding the following after said line:

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

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

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

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

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

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

(c) Payment for the provision of health care to an individual;

(4) "Licensee", all licensed insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(5) "Nonpublic personal health information", health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership, a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, a governmental agency or any other entity.

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

(1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family, or household purposes;

(b) To facilitate an employer's employment-related decisions regarding hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family, or household purposes; or

(d) To deliberately or maliciously cause harm to the person to whom the nonpublic personal health information pertains or to a person who creates, stores, or receives the nonpublic personal health information, except as necessary to conduct the business, practice, or service offered by the disclosing person or entity.

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

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

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

a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

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

7. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall be deemed to be in compliance with this section.

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

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

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

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

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

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

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

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

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

14. Notwithstanding any other provision of law, this act shall not apply to the conduct of

medical research, as defined in 45 CFR part 46."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

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

"376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then the new policy subject to the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, shall provide coverage consistent with the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, and any regulations promulgated pursuant to such act. **Such benefits shall include coverage for the purchase of at lest four mastectomy brasseries a year.**

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

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy."; and

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

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

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

2. Each health carrier or health benefit plan, as defined in section 376.1350, that offers or issues health benefit plans which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for a second opinion rendered by a specialist in that specific cancer diagnosis area when a patient with a newly diagnosed cancer is referred to such specialist by his or her attending physician. Such coverage shall be subject to the same

deductible and coinsurance conditions applied to other specialist referrals and all other terms and conditions applicable to other benefits, including the prior authorization and/or referral authorization requirements as specified in the applicable health insurance policy.

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

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

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 adopted and third read **HCR 40**.

HOUSE CONCURRENT RESOLUTION NO. 40

WHEREAS, current studies indicate that children left at home alone and unsupervised have lower academic test scores, have higher absentee rates at school, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, recent data shows that violent juvenile crime rates soar and children are most likely to be victims of a violent crime committed by a nonfamily member between the hours of 3 p.m. and 8 p.m., the hours immediately after school; and

WHEREAS, according to the National Center for Juvenile Justice, children are at greater risk of being involved in crime, substance abuse, and teenage pregnancy in the hours after school, especially between the hours of 3 p.m. and 4 p.m.; and

WHEREAS, the most common activity for children after school is watching television, resulting in an average 23 hours of television watching per week; and

WHEREAS, the parents of more than 800,000 Missouri school-age children work outside the home; and

WHEREAS, according to the estimates of the Urban Institute of the United States Census Bureau, at least 7 million and as many as 15 million "latchkey children" return to an empty house on any given afternoon; and

WHEREAS, in the United States, families worry about their children being unsafe and having too much idle, unsupervised time; and

WHEREAS, the United States Departments of Education and Justice report that children in quality after-school programs have better academic performance, school attendance, behavior, and greater expectations for the future; and

WHEREAS, children who attend high quality after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in after-school programs; and

WHEREAS, children who attend after-school programs spend more time in learning opportunities, academic activities, and enrichment activities, and spend less time watching television than their peers; and

WHEREAS, children who attend after-school programs miss fewer days of school, have better homework completion, better school behavior, and higher test scores; and

WHEREAS, the United States Congress has recognized the beneficial impact of after-school programs to our youth, and has increased the funding of after-school programs administered by the Missouri Department of Elementary and Secondary Education; and

WHEREAS, 92% of all Americans believe there should be organized activities for all youth during after-school hours; and

WHEREAS, it is estimated that less than 25% of all school-age children attend any after-school program, leaving 75% of our youth without a safe, supportive, and enriching environment during the unsupervised hours after the formal school day ends:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that a Joint Interim Committee on After-school Programs be created, to be comprised of three members of the House of Representatives, appointed by the Speaker of the House of Representatives and the House Minority Floor Leader, and three members of the Senate, appointed by the President Pro Tem of the Senate and the Senate Minority Floor Leader, and

BE IT FURTHER RESOLVED that the committee make a comprehensive analysis of the quantity and quality of Missouri after-school programs, including the solicitation of information from

appropriate state agencies, public schools, youth development organizations, law enforcement agencies and juvenile officers, youth development and education experts, and the public (including youth) regarding the status of after-school programs; and

BE IT FURTHER RESOLVED that the committee, in consultation with the Departments of Elementary and Secondary Education and Social Services, make recommendations for an efficient and effective development plan to provide the opportunity for every Missouri school-age child to access quality after-school programs and design a system to train, mentor, and support after-school programs, and thereby guarantee their sustainability and under recommendations concerning the effect of financial incentives for summer school included in the school funding formula, for their continuance, changes, or elimination; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research, and the Committee on Legislative Research provide such legal, research, clerical, technical, and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the General Assembly endorses all of state government to enthusiastically encourage our citizens to engage in innovative after-school programs and activities that ensure that all Missouri school-age children are not only safe, but also productive when the school day ends; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the General Assembly by January 1, 2003, and the authority of such committee shall terminate on December 31, 2002, unless reauthorized.

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 Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 1086** and **1126**. Representatives: Hoppe, Wagner, McKenna, Lograsso and Dolan.

Also,

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 **SCS** for **SB 722**, entitled:

An Act to repeal sections 168.071 and 168.081, RSMo, and to enact in lieu thereof three new sections relating to certificates of license to teach, with an expiration date for a certain section.

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 **SB 1143**.

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 **SB 859**.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

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

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

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

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

HOUSE AMENDMENT NO. 2

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

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

6." ; and

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

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

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1729**, **1589** and **1435**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HB 1498**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kenney, the Senate recessed until 7:30 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

At the request of Senator Yeckel, **HS** for **HCS** for **HBs 1461** and **1470**, with **SCS**, was placed on the Informal Calendar.

HB 1748 was placed on the Informal Calendar.

HCS for **HBs 1150**, **1237** and **1327**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 1455**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Westfall, **HB 1508**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 1344** and **1944**, with **SCS**, was placed on the Informal Calendar.

HB 1679, with **SCS**, and point of order, was placed on the Informal Calendar.

HCS for **HB 1898**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Foster, **HCS** for **HB 1403**, with **SCS**, was placed on the Informal Calendar.

HB 1988 was placed on the Informal Calendar.

HS for **HCS** for **HB 1906**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klarich, **HS** for **HCS** for **HB 1756** was placed on the Informal Calendar.

HCS for **HB 1216**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator House, **HCS** for **HB 1425**, with **SCS**, was placed on the Informal Calendar.

HB 1406, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klarich, **HB 1869** was placed on the Informal Calendar.

HCS for **HJR 47**, with **SCS**, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 1399**; **HCS** for **HB 1398**; and **HCS** for **HB 1689**, with **SCS** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HB 1594**—Financial and Governmental Organization, Veterans' Affairs and Elections.

HOUSE BILLS ON THIRD READING

Senator Klarich moved that **HS** for **HCS** for **HB 1962**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, was again taken up.

Senator Cauthorn offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 11, Section 50.333, Line 29, by inserting after all of said line the following:

"59.041. **[**1.**]** Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county which becomes a county of the second class after September 28, 1987, and wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the governing body of the county authorizes the separation of the offices as provided in section 59.042.

[2. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than twenty-seven thousand six hundred but less than twenty-eight thousand six hundred and wherein the offices of the district I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the district I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of district I clerk of the circuit court shall remain appointed by the circuit court.**]**".

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

Senator Gross assumed the Chair.

Senator Caskey offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Pages 22-24, Section 477.650, by deleting all of said section; and further amend said bill, pages 37-38, section 488.031, by deleting said section; and

Further amend the title and enacting clause accordingly.

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

Senator Bland offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 51, Section 494.420, Line 7, 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 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 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."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Wiggins requested a roll call vote be taken on the adoption of **SA 10** and was joined in his request by Senators Coleman, Klarich, Steelman and Stoll.

SA 10 failed of adoption by the following vote:

YEAS—Senators

Bentley	Bland	Cauthorn	Coleman
Dougherty	Foster	House	Jacob
Johnson	Sims	Steelman	Stoll
Wiggins—13			

NAYS—Senators

Caskey	Childers	Gibbons	Goode
Gross	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Singleton
Westfall	Yeckel—18		

Absent—Senators

Mathewson	Staples—2

Absent with leave—Senator DePasco—1

Senator House offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 33, Section 488.012, Line 25, by striking the word "twelve" and inserting in lieu thereof the following: "**up to eighteen**"; and further amend said section and page 34, line 1, by inserting after the word "RSMo" the following:

"**; provided however, that after the eighteen dollar limit for municipal court costs has been reached, such limit may be increased every three years by the same percentage as the increase in the general price level for the preceding year as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency;**".

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

Senator Steelman offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 76, Section 644.036, Lines 22-26, by

striking all of said lines and inserting in lieu thereof the following:

"5. Any listing required by Section 303(d) the Federal Clean Water Act to be made to EPA for their approval that will result in waters of this state to be classified as impaired shall be adopted by rule pursuant to chapter 536, RSMo. Total maximum daily loads shall not be required for any listed water which subsequently are determined to meet water quality standards.".

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

Senator Jacob offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 5, Section 43.540, Line 7, by inserting after all of said line the following:

"**49.272. 1. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.**"; and

Further amend said bill, Page 11, Section 50.333, Line 29, by inserting after all of said line the following:

"56.640. **1.** If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend."; and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for

House Committee Substitute for House Bill No. 1962, Page 39, Section 488.445, Line 10, by inserting after all of said line the following:

"488.2250. **1.** For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of **[**one dollar and fifty cents**] two dollars and twenty-five cents** per twenty-five line page for the original of the transcript, and the sum of **[**thirty-five**] fifty** cents per twenty-five line page for each **[**carbon**]** copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his **or her** discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for **[**the original of**]** which he **or she** shall receive **[**one dollar and fifty cents**] two dollars and twenty-five cents** per **[**legal**] twenty-five line** page and for **[**the**] additional** copies **[**twenty**] fifty** cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

2. Beginning January 1, 2004, the amounts a court reporter shall receive for transcripts described in subsection 1 of this section shall be increased or decreased on an annual basis, effective January first of each year, in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register each year, as soon after the first day of January as practical, but shall be otherwise exempt from the provisions of section 536.021, RSMo."; and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 62, Section 565.030, Line 21, by deleting the word "nine" and insert in lieu thereof the words "at least nine but less than twelve" and further amend said line and lines 21 and 22, by deleting the words "are unable to decide or"; and

Further amend said bill on page 62, section 565.030, line 25, by deleting the brackets around the words "or death" and inserting after said words the following: ", but if less than nine of the twelve jurors agree upon setting the punishment at death, the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release by act of the governor".

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

Senator Caskey offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 22, Section 476.385, Line 21, by inserting after the end of said line the following:

"476.689. Any person appointed to serve as a judge pursuant to the provisions of sections 476.515 to 476.565, with a vested right to receive retirement benefits pursuant to chapter 104, RSMo, may elect to transfer and receive credit for all previous creditable service pursuant to chapter 104, RSMo. Any person electing to transfer such creditable service as a judge shall elect in writing and waive all right to any other retirement benefit provided for pursuant to chapter 104, RSMo."; and in addition thereto, by modifying the title, enacting clause and intersectional references accordingly.

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

Senator Jacob offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 74, Section 595.045, Line 21 of said page, by inserting immediately after said line the following:

"610.106. **[**Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.**] 1. In the event a person is charged with a criminal offense and subsequently enters a guilty plea or is found guilty and imposition of sentence is suspended in the case for a period of time while the person is on court-ordered probation:**

(1) The official records of the case shall remain open until such time as the court-ordered probation is successfully completed;

(2) Upon successful completion of the court-ordered probation, the records of the case shall be sealed and closed for all purposes, notwithstanding any provision of the law or court order to the contrary; and

(3) Upon successful completion of the court-ordered probation, the person shall not thereafter be impeached by his or her arrest, charges, conviction or guilty plea in the case, except that a guilty plea entered in an alcohol-related case may be pled for the purpose of the enhancement of the sanction in accordance with the statutes provided.

2. Records required to be sealed and closed pursuant to this section shall be inaccessible to all persons other than the defendant, notwithstanding any provision of law to the contrary.

3. Nothing in this section shall be construed, interpreted or applied to deny or abridge any person's constitutional or statutory protection against double jeopardy.

4. The provisions of subsections 1, 2 and 3 of this section shall apply to all cases terminating prior to, on, or after the effective date of this section, except no case which terminated before the effective date of this section shall be re-opened because of any provision of this section.

610.110. No person as to whom such records have become **sealed or** closed **[**records**] pursuant to section 610.105 or 610.106** shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his **or her** failure to recite **[**or**],** acknowledge **[**such arrest or trial**], admit or confess any aspect of any such arrest or any such case** in response to any inquiry made of him **or her** for any purpose**[**, except as provided in section 491.050, RSMo, and section 610.120**]**.";

and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 2, Section A, Line 10, by inserting after all of said line the following:

"**1.302. The compelling state interest test shall be imposed on all state and local laws and ordinances in all cases in which free exercise and enjoyment of religious belief or practice is substantially burdened.**

1.305. 1. A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest.

2. "Exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. "Demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief, except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state or local civil rights law."; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 11, Section 50.333, Line 29 of said page, by inserting after all of said line the following:

"104.800. 1. Except as otherwise provided by law, any person having earned creditable service pursuant to the provisions of the state employees' retirement system or pursuant to the provisions of the state transportation department employees' and highway patrol retirement system or having service as a statewide state elective officer or having service as a member of the general assembly or having service pursuant to the provisions of sections 287.812 to 287.855, RSMo, or having service as a judge, as defined in section 476.515, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from any other retirement system or type of service specified in this section or sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such

service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service. The amount of service a person shall be entitled to transfer pursuant to the provisions of this section shall not exceed five years.

2. **Any person who has at least eight years of service as a judge, as defined in section 476.515, RSMo, and who had at least ten years of service pursuant to the provisions of sections 56.800 to 56.840, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from the judicial retirement system pursuant to sections 476.450 to 476.690, RSMo, or the prosecuting attorneys' retirement system pursuant to sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service.**

3. In the event of the death of a member before retirement and prior to exercising transfer rights pursuant to the provisions of this section, survivorship benefits shall be computed as if such person had in fact exercised or not exercised the person's transfer rights to produce the most advantageous benefit possible.

[3.**]** **4.** Any person that has earned creditable service pursuant to the provisions governing the Missouri state employees' retirement system or pursuant to the provisions of chapter 287, RSMo, or chapter 476, RSMo, who terminated employment prior to August 13, 1986, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall be eligible, prior to retirement, to make a one-time transfer of creditable service as provided in this section.

Further amend said bill, Page 22, Section 476.385, Line 21 of said page, by inserting after all of said line the following:

"**476.689. Any judge as defined in section 476.515, who is actively serving and has served for at least ten years may elect prior to retirement to receive additional credited service for previous public employment with the state as an employee of the juvenile court pursuant to chapter 211, RSMo, previously covered by another retirement plan as defined in section 105.691, RSMo. The person must forfeit any right to benefits to which the person may have been entitled under the previously covered retirement plan. In no event shall the amount of service that a person shall be entitled to transfer pursuant to the provisions of this section exceed eight years.**"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SA 19** and was joined in his request by Senators Childers, Klarich, Russell and Wiggins.

SA 19 failed of adoption by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Coleman
House	Jacob	Johnson	Klarich
Klindt	Mathewson	Westfall	Wiggins—12

NAYS—Senators

Cauthorn	Childers	Dougherty	Foster
Gibbons	Goode	Gross	Kennedy
Kenney	Kinder	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Yeckel—19	

Absent—Senators

Quick	Staples—2

Absent with leave—Senator DePasco—1

Senator Bentley offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 60, Section 550.300, Line 16, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

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

Senator Bentley moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 20** is out of order as it goes beyond the scope and purpose of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kennedy offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 27, Section 483.015, Line 13, by deleting the opening bracket and inserting after the word "and" the following "**,**"; and further amend line 14, by deleting the closing bracket and inserting after the word "Louis" the following: "**, subject to subsection 3**"; and further amend page

28, line 5, by inserting after "subsection." the following:

"**This subsection shall take effect only in the event that the constitutional amendment on the November 2002 ballot, giving "home rule" to the city of St. Louis, shall not pass, and further that the issue of whether the circuit clerk shall be appointed shall then be placed on the ballot at the general election in November 2004. The issue shall be submitted to the voters as follows:**

'Shall the circuit clerk of the city of St. Louis be appointed by the majority of the circuit judges of the circuit court for the city of St. Louis?'

If a majority of the qualified voters of the city vote "yes", then the office of circuit clerk for the city of St. Louis shall be appointed by a majority of the circuit judges of the twenty-second judicial circuit in accordance with the provisions of this subsection. If a majority of the qualified voters of the city vote "no" then the circuit clerk for the city of St. Louis shall be elected in accordance with the provisions of this section.".

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

Senator Klarich moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators

Bland Gross Singleton—3

Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Foster moved that **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HB 1348** was again taken up.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 19, Section 275.464, Line 28, by inserting after all of said line the following:

"**281.217. 1. There is hereby created in the state treasury the "Pesticide Project Fund". In addition to the annual registration fee imposed by section 281.260, an annual registration fee of fifty dollars shall be imposed for each product registered pursuant to section 281.260, and credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:**

(1) Up to twenty percent for the administration of the pesticide project fund and the pesticide registration program;

(2) Up to eighty percent for distribution to projects that relate to: pesticide and agriculture

education efforts; pesticide applicator training; pesticide and water quality monitoring activities; household and agricultural pesticide and pesticide container disposal initiatives; integrated pest management (IPM) practices; and applied research on IPM and water quality improvement programs at the University of Missouri agricultural research stations;

2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. To be eligible for moneys in the pesticide project fund, applicants shall submit a proposed project plan to the director by March thirty-first, prior to the fiscal year in which the moneys are to be allocated. Allocation of project moneys will be dependent upon an executed memorandum of understanding between the entity receiving the moneys and the director.

4. Within thirty days of the end of the state fiscal year in which moneys are allocated, the recipients of the moneys shall submit to the director a report which shall contain an accounting of all moneys expended from the pesticide project fund during such fiscal year and a report of the project or projects for which the moneys were utilized.

5. Any unobligated or unexpended project moneys allocated to an entity shall revert to the pesticide project fund within sixty days of the close of the project.

6. If an entity fails to complete a project as outlined in the project plan and memorandum of the understanding, the entity shall submit partial or full repayment of the allocated moneys to the pesticide project fund as determined by the director.

7. No moneys, except moneys for pesticide project fund or pesticide registration program administration, shall be withdrawn from the fund prior to July 1, 2003.

8. If the balance of the pesticide project fund exceeds five million dollars in unobligated funds during any calendar year, fees required for registration of pesticides will be reduced to fifteen dollars the following registration period. When the fund attains a balance of three million dollars, the registration fee will be increased to one hundred twenty-five dollars the following registration period.

9. The pesticide project fund shall be administered by the plant industries division, or any successor division, within the department of agriculture.

10. The department shall provide a written report to the chairpersons of the house agriculture and senate agriculture, parks and tourism committees at the opening of every session of the Missouri general assembly providing a detailed account of the programs funded and grants made from the pesticide project fund as well as a description of the expected benefit to the agriculture community.

11. Any moneys remaining in the pesticide project fund on January 1, 2006, shall revert to the credit of the general revenue fund and the pesticide project fund shall be abolished.

12. The provisions of this section shall expire on January 1, 2006.

281.240. 1. No person shall distribute, sell, offer for sale, hold for sale, deliver for transportation, or transport in intrastate commerce or between points within this state through any point outside of this state any of the following:

(1) Any pesticide which has not been registered pursuant to the provisions of section 281.260, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its registration; provided that, in the discretion of the director, a minor change in the labeling or formula

of a pesticide may be made within a registration period without requiring reregistration of the product**. Any change in company name, trade name, active ingredient, concentration of active ingredient, or environmental protection agency (EPA) registration number shall not be considered a minor change and shall require registration as a new product**;

(2) Any pesticide, unless it is in the registrant's or the manufacturer's unbroken immediate container or a bulk container sealed by the registrant, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

(b) The name, brand, or trademark under which said article is sold; and

(c) The net weight or measure of the contents, subject, however, to such reasonable variations as the director may permit;

(3) Any pesticide which contains any substance or substances in quantities highly toxic to man unless the label shall bear, in addition to any other matter required by sections 281.210 to 281.310:

(a) The skull and crossbones;

(b) The word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) A statement of an antidote for the pesticide;

(4) Any pesticide which is adulterated or misbranded, or any device which is misbranded.

2. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in sections 281.210 to 281.310, or rules promulgated thereunder, or to add any substance to or take any substance from a pesticide in a manner that may defeat the purpose of sections 281.210 to 281.310;

(2) For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of this state, the courts of this state in response to a subpoena, physicians, or, in emergencies, pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 281.260.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale within this state, or which is delivered for transportation or transported in intrastate commerce or between points within this state through any point outside of this state, shall be registered in the office of the director, and the registration shall be renewed annually.

2. The registrant shall file with the director a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) The name of the pesticide;

(3) Classification of the pesticide; and

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

3. The registrant shall pay an annual fee of fifteen dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the general revenue fund. All such registrations shall expire on December thirty-first of any one year, unless sooner canceled. A registration for a special local need pursuant to subsection 6 of this section, which is disapproved by the federal government, shall expire on the effective date of the disapproval.

4. Any registration approved by the director and in effect on the thirty-first day of December for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the expiration date.

5. If the renewal of a pesticide registration is not filed prior to January first of any one year, an additional fee of **[**five**]** **fifty** dollars shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued; provided, that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry.

6. Provided the state complies with requirements of the federal government to register pesticides to meet special local needs, the director shall require that registrants comply with sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more pesticides meet the requirements of this subsection, one shall not be registered in preference to the other.

7. The director may require the submission of the complete formula of any pesticide to approve or deny product registration. If it appears to the director that the composition and efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of sections 281.210 to 281.310, **[**he**]** **the director** shall register the pesticide.

8. **The director, after opportunity for hearing, may deny, cancel, suspend, or revoke a pesticide registration if, after consideration to pertinent research findings and recommendations of other agencies of this state, the federal government or other reliable sources, the pesticide may cause damage or injury, or is considered dangerous or harmful to persons or the environment.**

9. Provided the state is authorized to issue experimental use permits, the director may:

(1) Issue an experimental use permit to any person applying for an experimental use permit if **[**he**]** **the director** determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide **[**under**]** **pursuant to** sections **[**263.269 to 263.380**]** **281.210 to 281.310**. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;

(2) Prescribe terms, conditions, and period of time for the experimental permit which shall be under the supervision of the director;

(3) Revoke any experimental permit, at any time, if **[**he**]** **the director** finds that its terms or conditions are being violated, or that its terms **[**and**]** **or** conditions are inadequate to avoid unreasonable adverse effects on the environment.

[9.**]** **10.** If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws, **[**he**]** **the director** shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered or, in the case of a pesticide that is already registered, that it not be canceled, the

director, within ninety days, shall hold a public hearing to determine if the pesticide in question should be registered or canceled. If, after such hearing, it is determined that the pesticide should not be registered or that its registration should be canceled, the director may refuse registration or cancel an existing registration until the required label changes are accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from administrative decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.

[10.**]** **11.** Notwithstanding any other provision of sections 281.210 to 281.310, registration is not required in the case of a pesticide shipped from one plant or warehouse within this state to another plant or warehouse within this state when such plants are operated by the same persons.

[11.**]** **12.** The director shall not make any lack of essentiality a criterion for denying registration of a pesticide except where none of the labeled uses are present in the state. Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be registered in preference to the other."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Cauthorn offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 1, Section 281.217, Line 6, by striking "fifty" and inserting in lieu thereof the following: "**fifteen**"; and

Further amend said section, Page 2, Lines 23-29, by striking said lines and inserting in lieu thereof the following:

"**8. The pesticide project fund shall be capped at one million dollars. When the fund attains a balance of five hundred thousand dollars, the registration fee will be increased to twenty-five dollars the following registration period.**".

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

Senator Mathewson offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 2, Section 281.217, Line 27, by striking lines 27-29.

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

Senator Foster requested a roll call vote be taken on the adoption of **SA 1**, as amended, and was joined in his request by Senators Cauthorn, Childers, Kinder and Klindt.

Senator Cauthorn offered **SA 3** to **SA 1**:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 1, Section 281.217, Line 10, by striking "twenty" and inserting "**ten**"; and further on line 12, by striking "eighty" and inserting "ninety".

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

SA 1, as amended, was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers

Coleman	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Mathewson
Quick	Schneider	Sims	Stoll
Wiggins—17			

NAYS—Senators

Cauthorn	Foster	Gibbons	Gross
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Singleton
Steelman	Westfall	Yeckel—15	

Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 31, Section 414.043, Line 23 of said page, by inserting after all of said line the following:

"578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

2. As used in sections 578.405 to 578.412, the following terms mean:

(1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

(2) "Animal facility", any facility**, animal farming operation, business or organization** engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility **[**and**],** the offices **[**and**], barns, buildings, or other structures, the** vehicles of any such persons while engaged in duties related to the animal facility, and any premises**, private property,** where animals are located**, including but not limited to the barns or areas where the animals are pastured, housed, or otherwise quartered**;

(3) "Director", the director of the department of agriculture.

578.407. No person shall:

(1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtain, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) Enter or remain on an animal facility with the intent to commit an act prohibited by this section**;**

(7) Photograph, videotape, or otherwise obtain images from within a structure that an animal is housed without the express written consent of the animal facility;

(8) Intentionally or knowingly release or introduce any pathogen or disease in or near an

animal facility that has the potential to cause disease in any animal at the animal facility or which otherwise threatens human health or biosecurity at the animal facility.

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section 578.407 or** if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407 **including any relief authorized under subsection 5 of this section**. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may **[**take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412**]** **initiate civil legal action in the circuit court of the county where the violation occurred**. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 28, Section 348.432, Line 10 of said page, by inserting after all of said line the following:

"407.592. Sections 407.585 to 407.592 shall apply to any new farm machinery sold after January 1, 1988, but no provision of sections 407.585 to 407.592 shall operate or be construed to invalidate, impair, or otherwise infringe upon the specific requirements of any contract between a dealer and a manufacturer entered into prior to September 28, 1987, and which is in effect on September 28, 1987; provided, however, that in any case wherein warranty repair work is performed for a consumer by a farm equipment dealer under the provisions of a manufacturer's express warranty, the manufacturer shall reimburse the dealer at an hourly labor rate that is the same or greater than the hourly labor rate the dealer currently charges consumers for nonwarranty repair work. **The dealer may accept the manufacturer's reimbursement terms and conditions in lieu of the above.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Foster moved that **SS No. 2** for **SCS** for **HB 1348**, as amended, be adopted, which motion prevailed.

On motion of Senator Foster, **SS No. 2** for **SCS** for **HB 1348**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Dougherty	Loudon	Rohrbach—3

Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Foster 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 Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1719**, begs leave to report that it has considered the same and recommends that the resolution do pass.

COMMUNICATIONS

The following communication was received from Senator DePasco:

May 13, 2002

Mrs. Terry Spieler
Secretary of the Senate
Missouri Senate
State Capitol
Jefferson City, MO 65101

Dear Terry:

Please be advised Senator Ed Quick will be handling HS for HCS for SB 1039.

Sincerely,

/s/ Ronnie DePasco
Ronnie DePasco
STATE SENATOR
District 11

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Andy and Elaine Theisen, Des Peres.

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

Senator Kenney introduced to the Senate, Ron, Janice, Christina and Beth Taylor, Raytown; and Christina and Beth were made honorary pages.

Senator Rohrbach introduced to the Senate, Melvin, Nicki and Kristy Schebaum, Jefferson City; and Nicki and Kristy were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Tuesday, May 14, 2002.

SENATE CALENDAR

SEVENTY-SECOND DAY–TUESDAY, MAY 14, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and Russell, with SCS

SBs 1085 & 1262-Yeckel and Childers, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs 1654 & 1156-Hosmer, with SCS (Caskey) (In Budget Control)
2. HS for HCS for HB 1650-Hoppe, with SCS (Steelman) (In Budget Control)
3. HCS for HB 1143, with SCS (Kenney) (In Budget Control)
4. HS for HB 1399-Ransdall (Yeckel) (In Budget Control)

5. HCS for HB 1398 (Yeckel) (In Budget Control)
6. HCS for HB 1689, with SCS (Klarich) (In Budget Control)
7. HCS for HB 1695, with SCS
8. HS for HCS for HBs 1729, 1589 & 1435-Barnitz (Cauthorn)
9. HS for HB 1498-Johnson (90), with SCS (Sims)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al, with SCS (pending)
SB 647-Goode, with SCS (pending)
SB 651-Singleton and Russell, with SCS (pending)
SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)
SB 660-Westfall, et al, with SCS (pending)
SB 668-Bentley, with SS & SA 1 (pending)
SB 689-Gibbons, et al, with SCS
SB 696-Cauthorn, et al
SB 735-Steelman and Kinder, with SCS
SBs 766, 1120 & 1121-Steelman, with SCS
SB 832-Schneider, with SCS
SB 881-Steelman and Yeckel, with SCS & SS for SCS (pending)
SB 910-Gibbons
SB 912-Mathewson, with SCS, SS for SCS & SA 4 (pending)
SB 926-Kenney, et al, with SCS
SB 938-Cauthorn, et al
SB 971-Klindt, et al, with SCS
SB 1010-Sims
SB 1035-Yeckel
SB 1040-Gibbons, et al, with SCS
SB 1046-Gross and House, with SCS (pending)
SB 1052-Sims, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SBs 1063 & 827-Rohrbach and Kenney, with SCS, SS for SCS & SA 3 (pending)
SB 1087-Gibbons, et al, with SCS
SB 1099-Childers, with SCS
SB 1100-Childers, et al, with SS and SA 3 (pending)
SB 1103-Westfall, et al, with SA 2 (pending)
SB 1105-Loudon
SB 1111-Quick, with SCS
SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS
SB 1195-Steelman, et al
SB 1205-Yeckel
SB 1206-Bentley and Stoll
SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HB 1041-Myers, with SCS & SS for SCS (pending) (Childers)
HCS for HBs 1150, 1237 & 1327, with SCS (Gibbons)
HB 1196-Barnett, et al, with SCS (Westfall)
HCS for HB 1216, with SCS (Singleton)
SS for SCS for HBs 1270 & 2032-Gratz (Westfall) (In Budget Control)
HCS for HBs 1344 & 1944, with SCS (Caskey)
HCS for HB 1403, with SCS (Foster)
HB 1406-Barnett, with SCS (Klindt)
HCS for HB 1425, with SCS (House)
HS for HB 1455-O'Toole, with SCS (Gross)
HS for HCS for HBs 1461 & 1470-Seigfreid, with SCS (Yeckel)
HBs 1489 & 1850-Britt, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending) (Steelman)
HS for HCS for HBs 1502 & 1821-Luetkenhaus, with SCS (Rohrbach)
HB 1508-Koller, with SCS (Westfall)
HB 1600-Treadway, with SS & SA 3 (pending) (Mathewson)
HB 1679-Crump, with SCS & point of order (Sims)
HB 1748-Ransdall (Steelman)
HS for HCS for HB 1756-Reid (Klarich)
HCS for HB 1817, with SCS (Bentley)
HB 1869-Barry (Klarich)
HCS for HB 1898, with SCS (Goode)
HS for HCS for HB 1906-Green (73), with SCS (Kenney)
HB 1988-Kelly (144) (Westfall)
HS for HB 1994-Hosmer, with SA 1 & SA 2 to Part I of SA 1 (pending) (Bentley)
HCS for HJR 47, with SCS (Gibbons)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al, with SCS (pending) (Coleman)

HB 1085-Mays (50) (Quick)
HB 1643-Holand and Barry (Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson, with HCS
SCS for SB 722-Bentley, with HS for HCS
SB 859-Russell, with HAs1 & 2
SB 1039-DePasco, with HS for HCS

SCS for SBs 1061 & 1062-Rohrbach and Kenney, with HS for HCS, as amended
SCS for SB 1212-Mathewson, with HCS
SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 712-Singleton and Sims, with HS for HCS, as amended
SB 758-Bentley, with HCS
SB 795-Schneider, with HCS (CCR Offered)

SCS for SB 810-Dougherty, with HS for HCS, as amended
SB 895-Yeckel and Gross, with HS for HCS, as amended

SS for SS for SCS for SBs 970, 968, 921, 867, 868 & 738-Westfall, with HS for HCS, as amended
SCS for SBs 1086 & 1126-DePasco & Quick, with HCS
SCS for SB 1202-Westfall, with HCS
SB 1220-Sims, with HS, as amended
SS for SB 1248-Mathewson, with HS for HCS, as amended
HB 1313-Burton, with SCS (Foster)
HB 1446-Luetkenhaus, with SS#2 for SCS, as amended (Kenney)
HB 1712-Monaco, et al, with SS for SCS, as amended (Klarich)
HB 2120-Ridgeway and Hosmer, with SCS (Gibbons)

Requests to Recede or Grant Conference

SCS for SBs 915, 710 & 907-Westfall, et al, with HS, as amended (Senate requests House recede or grant conference)
HB 1953-Van Zandt, et al, with SCS, as amended (Singleton) (House requests Senate recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1 (pending)

To be Referred

HCR 40-Walton and Moore

Reported from Committee

SCR 51-Mathewson and Yeckel, with SCA 1
HCR 24-Kreider (Westfall)
SR 1719-Gross

MISCELLANEOUS

REMONSTRANCE 1-Caskey

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