

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—THURSDAY, APRIL 24, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“And without faith it is impossible to please God, because anyone who comes to him must believe that he exists and that he rewards those who earnestly seek him.” (Hebrews 11:6)

Gracious God, we stand before You and seek Your presence that we might come to understand the deepest meaning of Your Word for our lives and align our lives to Your directing and thus make it possible to bring Your plan to completion for us and the people we serve. 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.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, KMIZ-TV, ARD TV-Germany, the Associated Press and KMOV-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 742, regarding Reverend John Reiker, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No. 743, regarding Rebecca L. Montgomery, Springfield, which was adopted.

Senator Dougherty offered Senate Resolution No. 744, regarding Charles J. Marino, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 745, regarding the United States Armed Forces, which was adopted.

Senator Vogel offered Senate Resolution No. 746, regarding Yang Shen, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 747, regarding the Missouri Police Chiefs

Association, which was adopted.

Senator Vogel offered Senate Resolution No. 748, regarding Corrections Officer I Tracy Fry, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 749, regarding Corrections Officer I Matthew Parvin, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 750, regarding Corrections Officer I Phillip Crandall, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert V. Jacobi, Jr., as a member of the Missouri Seed Capital Investment Board;

Also,

Richard J. Wilson, as a member of the Missouri Development Finance Board;

Also,

Danny Duane Nestleroad, as a member of the State Board of Optometry;

Also,

Kimberly C. Carlos, as Chairperson, and Jacqueline McKinsey, as members of the Missouri Women's Council;

Also,

Rebecca S. Stith, as a member of the Public Defender Commission;

Also,

Robert L. Langdon, as a member of the Coordinating Board for Higher Education;

Also,

Beth L. Viviano, as a member of the Missouri Family Trust Board of Trustees;

Also,

John W. Haasis, as a member of the Elevator Safety Board;

Also,

Karl E. Hewlett, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Angelia Mary Elgin, as a member of the Missouri Fire Safety Advisory Board;

Also,

Sam Burton, Ph.D. and Christy G. Broce, as members of the Children's Trust Fund Board;

Also,

Lai Lily Ko, as a member of the Missouri Community Service Commission;

Also,

John Chapman, as a member of the Workers' Compensation Determination Review Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 600**, with **SCS**; **HCS** for **HB 289**, with **SCS**; **HCS** for **HB 613**, with **SCS**; **HB 491**, with **SCS**; and **HS** for **HB 511**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons stated that the Senate would go to the order of business of House Bills on Third Reading, Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Jacob raised the point of order that the calling of House Bills on Third Reading is out of order, in that the calendar, pursuant to Senate Rule 3, had not been properly called.

Senator Jacob raised the further point of order that a motion to go to an order of business must be placed before the body or the President must state "without objection" before going to that order of business.

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

Senator Shields assumed the Chair.

President Maxwell assumed the Chair.

President Pro Tem Kinder ruled the points of order well taken.

SENATE BILLS FOR PERFECTION

At the request of Senator Jacob, **SB 305** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 321**, entitled:

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.210, 287.390, 287.610, 287.690, 287.715, and 287.800, RSMo, and to

enact in lieu thereof eleven new sections relating to workers' compensation law.

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

Senator Scott offered **SS** for **HS** for **HCS** for **HB 321**, entitled:

SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 321

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.610, 287.690, 287.715, and 287.800, RSMo, and to enact in lieu thereof twelve new sections relating to workers' compensation law.

Senator Scott moved that **SS** for **HS** for **HCS** for **HB 321** be adopted.

Senator Loudon offered **SS** for **SS** for **HS** for **HCS** for **HB 321**, entitled:

SENATE SUBSTITUTE FOR SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 321

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof ten new sections relating to workers' compensation law.

Senator Loudon moved that **SS** for **SS** for **HS** for **HCS** for **HB 321** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 11, Section 287.120, Line 8, by deleting the word "fifty" and inserting in lieu thereof the words "one hundred"; and

Further by amending same page, same section,

lines 9-14, by deleting all of said lines and inserting in lieu thereof the following: **“use of alcohol or nonprescribed controlled drugs; provided that:**

(a) It is established that the employee had actual knowledge of the rules or policy so adopted by the employer;

(b) It is established that the employer had, prior to the injury, made a diligent effort to inform the employee of the requirement to obey any reasonable rule or policy adopted by the employer; and

(c) The employee’s use of alcohol or nonprescribed controlled drugs in the workplace is established by a test conducted pursuant to procedures and quality control standards established by the United States Department of Transportation (USDOT) and the test is conducted by a laboratory certified by the USDOT.”; and

Further by amending same page, same section, line 27, by inserting immediately before the words **“The voluntary”** the subsection identifier **“7.”** and by modifying all subsequent subsection identifiers and intersubsectional references in section 287.120; and

Further by amending page 12, same section, line 2, by inserting immediately after the word **“injury”** the following: **“; provided that:**

(a) The term “legal intoxication”, as used in this subsection, shall mean that level of intoxication required for a conviction of operating a motor vehicle with excessive blood alcohol content pursuant to section 577.012, RSMo; and

(b) The employee’s legal intoxication is established in accordance with all provisions and due process requirements of chapter 577 that are applicable to and afforded to a person operating a motor vehicle.”.

Senator Jacob moved that the above

amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Wheeler offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 13, Section 287.067, Line 5 of said page, by inserting after all of said line the following:

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

and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. [The choice of provider within the location selected shall continue to be made by the employer.] In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. [In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.] In addition to all other payments authorized or mandated under this subsection, when an employee who has returned to full-time employment is required to submit to a medical examination for the purpose of evaluating permanent disability, or to undergo physical rehabilitation, the employer or its insurer shall pay a proportionate weekly compensation benefit based on the provisions of section 287.180 for such wages that are lost due to time spent undergoing such medical examinations or physical rehabilitation, except that where the employee is undergoing physical rehabilitation, such proportionate weekly compensation benefit payment shall be limited to a time period of no more than twenty weeks. For purposes of this subsection only, "physical rehabilitation" shall mean the restoration of the seriously injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker. Determination as to what care and restoration constitutes physical rehabilitation shall be the sole province of the treating physician. Should the employer or its insurer contest the determination of the treating physician, then the director shall review the case at question and issue his determination. Such determination by the

director shall be appealable like any other finding of the director or the division. Serious injury includes, but is not limited to, quadriplegia, paraplegia, amputations of hand, arm, foot or leg, atrophy due to nerve injury or nonuse, and back injuries not amenable alone to recognized medical and surgical procedures.

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

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

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

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

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

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

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

purpose of this subsection, “life threatening” shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

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

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider **providing a list of authorized providers from which the employee may choose consisting of at least twenty-five physicians, surgeons, or other health care providers authorized to provide treatment**; provided, however, that such physicians, surgeons or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

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

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

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

13. (1) No hospital, physician or other health

care provider, other than a hospital, physician or health care provider selected by the employee at his own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

(a) The name of the employer;

(b) The name of the insurer, if known;

(c) The name of the employee receiving the services;

(d) The general nature of the injury, if known; and

(e) Where a claim has been filed, the claim number, if known.

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

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

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

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

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob

Kennedy	Kinder	Loudon	Mathewson	Vogel	Yeckel—18
Nodler	Quick	Russell	Scott		
Shields	Steelman	Vogel	Wheeler	Absent—Senator Childers—1	
Yeckel—29					

Absent with leave—Senator DePasco—1

Absent—Senators			
Bland	Dolan	Klindt	Stoll—4

A quorum was established by the following vote:

Absent with leave—Senator DePasco—1

SA 2 was again taken up.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Days, Kennedy, Mathewson and Shields.

Present—Senators			
Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

A quorum was established by the following vote:

Present—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

Absent—Senators			
Bartle	Days	Dolan	Scott—4

Absent with leave—Senator DePasco—1

Senator Shields assumed the Chair.

A quorum was established by the following vote:

Present—Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Shields	Steelman
Stoll	Yeckel—26		

Absent—Senator Quick—1

Absent with leave—Senator DePasco—1

President Maxwell assumed the Chair.

Senator Wheeler moved that **SA 2** be adopted, which motion failed by the following vote:

YEAS—Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll	Wheeler—14		

Absent—Senators			
Bray	Days	Goode	Russell
Scott	Vogel	Wheeler—7	

Absent with leave—Senator DePasco—1

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute

NAYS—Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields

for House Substitute for House Committee Substitute for House Bill No. 321, Section 286.020, Page 2, Line 17, by inserting at the end of the line the following:

“287.010. This chapter shall be known as “The [Workers’ Compensation] **Employers’ Limited Liability Protection Law**”.”; and

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

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Bray, Caskey and Dougherty.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Quick	Stoll	Wheeler—12

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel—20

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 13, Section 287.120, Line 5, by inserting after all of said line the following:

“287.128. 1. It shall be unlawful for any person [to] **including an insurance carrier, employer, or agents and employees thereof to:**

(1) Knowingly present or cause to be presented any false or fraudulent claim **or defense**

to a claim for the payment of benefits pursuant to a workers' compensation claim;

(2) Knowingly present multiple claims for the same occurrence with intent to defraud;

(3) Purposefully prepare, make or subscribe to any writing with intent to present or use the same, or to allow it to be presented in support of any false or fraudulent claim **or defense to a claim;**

(4) Knowingly assist, abet, solicit or conspire with:

(a) Any person who knowingly presents any false or fraudulent claim for the payment of benefits;

(b) Any person who knowingly presents multiple claims for the same occurrence with an intent to defraud; or

(c) Any person who purposefully prepares, makes or subscribes to any writing with the intent to present or use the same, or to allow it to be presented in support of any such claim **or defense to a claim;**

(5) Knowingly make or cause to be made any false or fraudulent claim **or defense to a claim** for payment of a health care benefit;

(6) Knowingly submit a claim for a health care benefit which was not used by, or on behalf of, the claimant;

(7) Knowingly present multiple claims for payment of the same health care benefit with an intent to defraud;

(8) Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit;

(9) Knowingly make or cause to be made any false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from making a legitimate claim

(10) Knowing make or cause to be made a false or fraudulent material statement to an

investigator of the division in the course of the investigation of fraud or noncompliance.

For the purposes of subdivisions (8) and (9) of this subsection, the term “statement” includes any notice, proof of injury, bill for services, payment for services, hospital or doctor records, X ray or test results.

2. It shall be unlawful for any insurance company or self-insurer in this state to:

(1) Intentionally refuse to comply with known and legally indisputable compensation obligations;

(2) Discharge or administer compensation obligations in a dishonest manner; and

(3) Discharge or administer compensation obligations in such a manner as to cause injury to the public or those persons dealing with the employer or insurer.

3. Any person violating any of the provisions of subsections 1 and 2 of this section or section 287.129, shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a fine not to exceed ten thousand dollars or double the value of the fraud whichever is greater. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of subsections 1 and 2 of this section or the provisions of section 287.129 and who subsequently violates any of the provisions of subsections 1 and 2 of this section or the provisions of section 287.129 shall be guilty of a class D felony.

4. Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section or the provisions of section 287.129 and who subsequently violates any of the provisions of this section or the provisions of section 287.129 shall be guilty of a class D felony.

5. Any employer failing to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a penalty in an amount equal to twice the annual premium the employer would have paid had such employer been insured or twenty-five thousand dollars, whichever amount is greater. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section or the provisions of section 287.129 and who subsequently violates any of the provisions of this section or the provisions of section 287.129 shall be guilty of a class D felony.

6. Any person may file a complaint alleging fraud or noncompliance with this chapter with a legal advisor in the division of workers' compensation. The legal advisor shall refer the complaint to the fraud and noncompliance unit within the division. The unit shall investigate all complaints and present any finding of fraud or noncompliance to the director, who may refer the file to the attorney general. The attorney general may prosecute any fraud or noncompliance associated with this chapter. All costs incurred by the attorney general associated with any investigation and prosecution pursuant to this subsection shall be paid out of the workers' compensation fund. Any fines or penalties levied and received as a result of any prosecution under this section shall be paid to the workers' compensation fund. Any restitution ordered as a part of the judgment shall be paid to the person or persons who were defrauded.

7. There is hereby established in the division of workers' compensation a fraud and noncompliance administrative unit responsible for investigating incidences of fraud and failure to comply with the provisions of this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Dougherty, Kennedy and Stoll.

SA 4 was adopted by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Wheeler	Yeckel—30		

NAYS—Senators

Bartle	Vogel—2
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Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

Senator Dolan offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 7, Section 287.062, Line 16, by inserting after the word “tract” the following: “, **hypertension, hypotension,**” and further amend said bill, page, section, line 20, by inserting after the word “gases” the following: “**carcinogens,**” and further amend said bill, page, section and line by inserting after the word “oxygen,” the following “**or psychological stress**” and further amend said bill, page, section, lines 22-23 by striking all of said lines and insert in lieu thereof the following: “**causal relationship is established.**”

Senator Dolan moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 7, Section 287.062, Line 16, by inserting after the word

“tract” the following: “, **hypertension, hypotension,**” and further amend said bill, page, section, line 20, by inserting after the word “gases” the following: “**carcinogens,**” and further amend said bill, page, section and line by inserting after the word “oxygen,” the following “**or psychological stress**” and further amend said bill, page, section, lines 22-23 by striking all of said lines and insert in lieu thereof the following: “**causal relationship is established. As long as a direct causal relationship pursuant to the standards set forth in 287.020 is met.**”

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SSA 1** for **SA 5** was withdrawn.

SA 5 was again taken up.

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

A quorum was established by the following vote:

Present—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

Absent—Senators

Bland	Bray	Goode	Jacob
Klindt	Scott—6		

Absent with leave—Senator DePasco—1

Senator Gross assumed the Chair.

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 3, Section 287.020, Line 7, by inserting after “commission.”

the following: “**The word “employee” shall not include any individual whose employer performs abortions as defined in section 188.015, RSMo.**”.

Senator Caskey moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 6**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 9, Section 287.067, Line 20, by inserting after said line:

“8. Physicians performing abortions for any purpose whatsoever and persons providing services for physicians who are performing abortions for any purpose whatsoever shall not be entitled to workers compensation benefits.”.

Senator Caskey moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SSA 1** for **SA 6** was withdrawn.

At the request of Senator Caskey, **SA 6** was withdrawn.

At the request of Senator Loudon, **HS** for **HCS** for **HB 321**, with **SS** and **SS** for **SS**, 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 **SB 327**.

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 522**.

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 330**.

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 293**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 592**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

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 **SCS** for **SB 562**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 370**, entitled:

An Act to repeal sections 44.090 and 190.243, RSMo, and to enact in lieu thereof two new sections relating to emergency mutual-aid agreements.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 295**, entitled:

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 281**, entitled:

An Act to repeal sections 49.370 and 49.380, RSMo, and to enact in lieu thereof one new section relating to county property.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 275**, entitled:

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state, and to authorize the conveyance of

property owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 212 and 220**, entitled:

An Act to repeal sections 43.080, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, and 86.745, RSMo, and to enact in lieu thereof eighteen new sections relating to law enforcement.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 7**, entitled:

An Act to authorize the governor to convey land owned by the state in the county of Pettis.

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 529**.

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 534**.

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 108**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 666**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to intra-school district transfer policies.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 399**, entitled:

An Act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 136**, entitled:

An Act to repeal sections 77.070, 115.127, and 162.301, RSMo, and to enact in lieu thereof three new sections relating to elections.

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 492**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 61**, entitled:

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof two new sections relating to restrictions on use of personal identifying information, with an effective date.

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 618**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 101**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 401**, entitled:

An Act to repeal sections 595.010 and 595.045, RSMo, and to enact in lieu thereof two new sections relating to crime victim compensation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 448**, entitled:

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 465**, entitled:

An Act to repeal sections 50.640 and 477.600, RSMo, and to enact in lieu thereof two new sections relating to the judicial finance commission.

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 506**.

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 **SCS for SB 621**.

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 611**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS for SB 504**, entitled:

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 470**, entitled:

An Act to repeal sections 511.350, 511.510, 513.475, 517.141, and 517.151, RSMo, and to enact in lieu thereof three new sections relating to liens on real estate.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 474**, entitled:

An Act to repeal sections 488.426 and 488.429, RSMo, and to enact in lieu thereof two new sections relating to surcharges in civil case filings.

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 468**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 468, by inserting all of the following after line 40 on Page 2:

“Section A. Section 43.080, RSMo, is

repealed and one new section enacted in lieu thereof, to be known as section 43.080, to read as follows:

43.080. The superintendent is authorized and empowered to prescribe policies providing for increases [every five years] in the salaries of [such] members [beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary] **of the highway patrol. Each year, prior to January first, the superintendent shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the superintendent shall include, in addition to other matters deemed pertinent to the superintendent, a comparison of the salaries of police officers of the three largest police departments in the state. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and the president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity in the salary of members of the highway patrol and officers of the three largest police departments is maintained.** The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by

reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 301**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 547**, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof two new sections relating to compensation for certain county treasurers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 355**, entitled:

An Act to repeal sections 194.220 and 301.020, RSMo, and to enact in lieu thereof two new sections relating to the organ donor program, with penalty provisions.

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 423**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 423, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

“To amend chapter 227, RSMo, by adding thereto two new sections relating to designation of certain highways.”; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

“Section A. Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.331 and 227.343, to read as follows.”; and

Further amend said bill, Page 1, Section 227.331, Line 5, by inserting after all of said line the following:

“227.343. The portion of state route 19 from New London, Missouri, southwest to its intersection with state route 154, then west to Perry, Missouri, all located within a county of the third classification without a township form of government and with more than nine thousand five hundred fifty but less than nine thousand six hundred fifty inhabitants, shall be designated “The Short Line Railroad Spur Historic Trail”.”; 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 and passed **SB 651**.

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 623**.

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 63**.

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 606**.

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 425**.

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 321**.

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 317**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 325**, entitled:

An Act to repeal sections 59.480, 59.490, and 160.360, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

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 431**.

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 203**.

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 471**.

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 548**.

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 **SCS No. 2 for SB 224**.

Emergency clause adopted.

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 **SCS for SB 288**.

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 143**.

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 **SCS for SB 351**.

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 457**.

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 120**.

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 121**.

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 **SCS for SB 122**.

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 **SCS for SB 238**.

Emergency clause adopted.

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 **SCS for SB 513**.

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 376**.

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 456**.

Emergency clause adopted.

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 **SCS for SB 269**.

Emergency clause adopted.

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 537**.

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 207**.

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 250**.

Emergency clause adopted.

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 356**.

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 **SCS for SB 546**.

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 **SCS for SB 202**.

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 467**.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Dale Finke, Republican, 12 Harbor View Drive, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the St. Charles County Convention & Sports Facilities Authority, for a term ending April 27, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ken H. Keesaman, Democrat, 3803 Southwest Rogers Road, Osborn, DeKalb County, Missouri 64474, as a member of the State Fair Commission, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, Ida Cox, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane B. Klieve, Republican, 12500 Darien Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, John Wilson, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Raeanne E. Presley, Republican, 404 Judy Street, Branson, Taney County, Missouri 65616, as a member of the Tourism Commission, for a term ending January 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert L. Robinson, Jr., Democrat, 708 Belair Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Probation and Parole, for a term ending April 25, 2009, and until his successor is duly appointed and qualified; vice, Richard Lee, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marcia D. Shadel, Republican, 614 Harris Lane, Lebanon, Laclede County, Missouri 65536, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 751, regarding Kristyl S. McBee, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 752, regarding Paul Motske, St. Joseph, which was

adopted.

Senator Shields offered Senate Resolution No. 753, regarding Emily Kay Stock, St. Joseph, which was adopted.

Senator Quick offered Senate Resolution No. 754, regarding Wesley Greenblatt, Kearney, which was adopted.

Senator Cauthorn offered Senate Resolution No. 755, regarding the One Hundredth Birthday of Leilla Ida Bail, which was adopted.

Senator Bland offered Senate Resolution No. 756, regarding Dr. Gertrude Hooker Keith, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, twenty-eight fourth grade students and adults from Virginia E. George Elementary School, Albany.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, M.D., Poplar Bluff.

Senator Foster introduced to the Senate, Ben Counce, and students from Caruthersville Middle School, Caruthersville; and Jimmy Lyons, Nick Vaughn, Kayla Lunbeck, Brittany Fonda, and

Simona Stewart were made honorary pages.

Senator Quick introduced to the Senate, Girl Scout Troop 1934, Liberty.

Senator Dolan introduced to the Senate, Richard and Peggy Smith, St. Peters.

Senator Kinder introduced to the Senate, Barbara Biemann, Markus Zeidler, Norbert Tinnefeld, and Thorsten Bachmann, representing ARD-TV, Germany.

Senator Klindt introduced to the Senate, thirteen fourth grade students and adults from Southwest R-I School, Ludlow.

Senator Scott introduced to the Senate, fourth grade students from Long Lane School, Long Lane.

Senator Coleman introduced to the Senate, Arooj Ajaz, Daniel Burcham, Zakeriah Miles, Caleb Thompson, Brittany Brunetta, Allyson Chipley, Jelynn Louis, Joanna Majcherczyk, Allison Guerra, Michelle Beehner, Akash Sookun, Ashley Yount, and Blake Werner, students from Central Institute for the Deaf Middle School, St. Louis; and Blake was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, April 25, 2003.

SENATE CALENDAR

SIXTIETH DAY—FRIDAY, APRIL 25, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 27-Gibbons, with SCS | 8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel,
with SCS |
| 2. SB 209-Steelman, et al,
with SCS | 9. SB 564-Gross |
| 3. SB 685-Gibbons, et al, with SCS | 10. SB 236-DePasco and Loudon |
| 4. SB 455-Dougherty and Shields | 11. SB 458-Childers |
| 5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS | 12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,
550 & 584-Dolan, et al, with SCS |
| 6. SB 446-Bartle, with SCS | 13. SB 485-Shields, with SCS |
| 7. SB 242-Yeckel, with SCA 1 | |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| HCS for HB 289, with SCS
(Steelman) | HB 444-Jackson, with SCS
(Yeckel) |
| HS for HCS for HBs 349,
120, 136 & 328-Crawford
(Caskey) | HB 208-Engler, et al, with SCS
(Kinder) |
| HCS for HB 600, with SCS
(Shields) | HB 286-Bearden, with SCS
(Shields) |
| HS for HB 511-Deeken, with
SCS (Yeckel) | HCS for HB 144, with SCS (Vogel) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending) | SBs 125 & 290-Goode, with
SCS & SA 6 (pending) |
| SB 24-Steelman, with SCS
& SS for SCS (pending) | SB 217-Champion and
Clemens, with SS (pending) |
| SB 33-Loudon and Scott,
with SS (pending) | SB 241-Yeckel, with SCS |
| SB 51-Shields, with SS,
SS for SS & SA 1 (pending) | SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS & SS for SCS (pending) |
| SB 112-Loudon, with SCS | |

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,
with SCS & SS for SCS
(pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2
(pending)

SB 460-Loudon, with SS &
SA 1 (pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

Unofficial

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HS for HCS for HB 321-
Wilson (130), with SS
& SS for SS (pending) (Loudon)

HCS for HB 390, with SCS
(Cauthorn)

HB 412-Goodman, et al (Childers)

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CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

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Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)
 HCS for HB 181 (Mathewson)
 HCS for HB 277 (Champion)
 HB 278-Davis (19) and
 Parker (Dolan)
 HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)
 HCS for HB 133 (Quick)
 HB 99-Seigfreid (Mathewson)
 HB 521-Dethrow, et al,
 with SCS (Childers)
 HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Unofficial
 Reported 4/14

HCS for HB 93 (Childers)
 HCS for HB 97 (Stoll)
 HB 199-Jolly, et al (Wheeler)
 HB 244-Baker, et al (Caskey)
 HB 307-Merideth and
 Shoemaker (Foster)
 HCS for HB 318 (Caskey)
 HB 326-Wagner, et al (Stoll)
 HB 351-Quinn, et al (Klindt)
 HB 375-Cooper (120)
 (Scott)
 HB 463-King, et al (Caskey)
 HCS for HB 472 (Bartle)
 HB 552-Kingery, with SCS
 (Foster)
 HB 574-Jackson and Selby
 (Griesheimer)
 HB 594-Emery, et al (Nodler)
 HB 512-Cooper (120), et al,
 with SCS (Bartle)
 HB 464-King, et al (Klindt)
 HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)
 HB 376-Cooper (120) (Caskey)
 HCS for HB 332 (Steelman)
 HCS for HB 202 (Steelman)
 HCS for HBs 59 & 269,
 with SCS (Shields)
 HB 597-Schlottach, et al
 (Dolan)
 HCS for HB 245 (Clemens)
 HB 162-Shoemaker (Cauthorn)
 HB 261-Whorton, et al (Klindt)
 HB 249-Seigfreid (Mathewson)
 HB 247-Ward, et al (Kennedy)
 HCS for HB 392, with SCS
 (Griesheimer)
 HB 505-Byrd and Villa,
 with SCS (Mathewson)
 HB 57-Riback Wilson, with
 SCS (Jacob)
 HB 60-Sutherland, with SCS
 (Griesheimer)
 HB 465-Hanaway, et al (Kinder)

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Reported 4/15

HB 388-Riback Wilson, et al
(Jacob)
HCS for HB 253 (Mathewson)
HCS for HB 394, with SCA 1
(Caskey)
HCS for HB 427, with SCS
(Bartle)
HB 430-Stevenson, et al (Caskey)
HB 599-Burnett, et al (Wheeler)
HCS for HB 613, with SCS
(Bartle)
HCS for HBs 152 & 180,
with SCS (Bartle)
HCS for HBs 348 & 347
(Griesheimer)
HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)
HB 553-Smith (14) (Gross)
HB 523-Dusenberg, et al (Vogel)
HCS for HB 575, with SCS
(Foster)
HB 75-Ruestman, et al (Childers)
HB 187-Cooper (120) and
Davis (122) (Dolan)
HCS for HB 371, with SCS
(Dolan)
HB 478-Moore, et al (Yeckel)
HCS for HB 493 (Dolan)
HB 491-Rupp, et al, with SCS
(Dolan)
HCS for HB 356 (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and Russell,
with HCA 1
SCS for SB 7-Mathewson, with
HCS
SCS for SB 16-Childers, with HCS
SCS#2 for SB 52-Shields,
with HCS
SCS for SB 61-Caskey, with HCS
SB 68-Childers, with HCS
SB 101-Caskey, with HCS
SCS for SB 130-Gross and Dolan,
with HCS
SB 136-Goode, with HCS
SB 175-Loudon, with HCS
SB 186-Cauthorn, with HCS
SCS for SBs 212 & 220-Bartle,
with HCS
SCS for SB 218-Goode, et al,
with HCS
SB 228-Griesheimer, with HCS
SB 266-Shields and Kennedy,
with HCS
SB 275-Russell, with HCS
SCS for SB 281-Shields, with
HCS
SB 289-Dolan, et al, with HCA 1
SCS for SB 295-Shields, with
HCS
SCS for SB 296-Griesheimer,
with HS for HCS, as amended
SCS for SBs 299 & 40-Champion,
et al, with HS, as amended
SB 301-Bray, with HCS
SB 325-Steelman, with HCS
SB 355-Stoll, with HCS
SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS
 SCS for SB 373-Bartle, with HCS
 SCS for SB 379-Champion,
 with HCS
 SB 394-Bartle, with HCS,
 as amended
 SB 399-Caskey, with HCS
 SB 401-Dolan, et al, with HCS
 SB 407-Klindt, with HCS
 SB 423-Childers, with HCA 1
 SCS for SB 447-Bartle, with HCA 1

SB 448-Bartle, with HCS
 SB 465-Bartle, with HCS
 SB 468-Bartle, with HCA 1
 SB 470-Bartle, with HCS
 SB 474-Bartle, with HCS
 SB 504-Clemens and Champion,
 with HCS
 SCS for SB 547-Caskey, with HCS
 SB 552-Yeckel, with HCS
 SCS for SB 592-Foster, with HCS
 SCS for SB 666-Bland, with HCS

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
 for SCS & SA 1 (pending)
 SCR 3-Loudon
 SCR 11-Steelman
 (In Fiscal Oversight)

SCR 14-Dolan and Kinder
 SCR 16-Goode, et al
 SCR 4-Jacob
 HCR 15-Behnen (Cauthorn)

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