

# JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

---

THIRTY-SECOND DAY, TUESDAY, MARCH 5, 2002

Speaker Kreider in the Chair.

Prayer by Reverend Walter Simpson, Retired from First Christian Church, Eldon, Missouri.

“Jehovah,” “Adonai,” “Allah”, it makes no difference what we name You. You are still the God of the universe and indeed the God of all people. It is not You, but us, who have put our own opinions and judgments of who You are that has divided us from one another. Forgive us of the audacity and the presumptuousness on our part. Bring our world back together in peace and harmonious relationships.

For those who have given a measure of their days to provide us with the freedom and liberty we enjoy, we give You our constant gratitude. Upon the men and women who are willing today to stand in our stead on the fields of battle, we ask Your divine protection.

In this extremely painful and excessively possessive world in which we live, help us to discard our own agendas and factional designs, that we might work collectively for a more tranquil and untroubled existence. Replace self-centeredness with compassion, narcissism with charity and vanity with wisdom. Teach us to negotiate in good faith for the common good.

Upon this auspicious body let Your encouraging and energizing Spirit stimulate a desire to seek the Good according to Your design for all Your children. Call them to task when they blunder. Smile on them when they succeed. Love when they are unlovable and embrace them when they are willing to venture into areas unpopular, yet essential for the pursuit of happiness of **all** the residents of our state.

“Jehovah” “Adonai,” “Allah,” One God, let Your favor be upon us, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Lauren Henson, James Kelley, Erin Pierce, Wes Mott, Alora Marble, Blake Henry, Rebecca Hopkins, Michael Hopkins, Victoria Grace Kelley, Kristen Kelley, David Housewright, Alica Tape, Brett Johnson, Katie Krick, Cara Stuckel, Alex Stuckel, Jamie Kuhn, Claire Stuckel, Adrienne Tucker, Kim Martin, Drew Jones, Joey Ridenhour, Jacob Randolph, Carol Schaffer, Sarah Heithaus, Tony Mocciola, Alexandra Carter and Rena Cook.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 548 - Representative Enz  
 House Resolution No. 549 - Representative Troupe  
 House Resolution No. 550 - Representative Walton  
 House Resolution No. 551 - Representative Koller  
 House Resolution No. 552 - Representative Overschmidt  
 House Resolution No. 553 - Representative Froelker  
 House Resolution No. 554 - Representative Townley  
 House Resolution No. 555  
 and  
 House Resolution No. 556 - Representative Relford

## SECOND READING OF HOUSE BILLS

**HB 2089** through **HB 2094** were read the second time.

## SECOND READING OF SENATE BILLS

**SB 961**, **SB 1017** and **SB 1041** were read the second time.

## THIRD READING OF HOUSE BILLS - CONSENT

**HB 1468**, relating to commercial insurance, was taken up by Representative Ward.

On motion of Representative Ward, **HB 1468** was read the third time and passed by the following vote:

AYES: 150

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	King	Koller	Lawson
Legan	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers

Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 005

Byrd	Cunningham	Hohulin	Kelly 27	Reid
------	------------	---------	----------	------

PRESENT: 000

ABSENT WITH LEAVE: 004

Gratz	Kelly 36	Reinhart	Secrest
-------	----------	----------	---------

VACANCIES: 004

Speaker Kreider declared the bill passed.

**HB 1086**, relating to higher education savings program, was taken up by Representative Harlan.

On motion of Representative Harlan, **HB 1086** was read the third time and passed by the following vote:

AYES: 155

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Quinn	Ransdall

Rector	Reid	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 003

Gratz	Reinhart	Secrest
-------	----------	---------

VACANCIES: 004

Speaker Kreider declared the bill passed.

### PERFECTION OF HOUSE BILL

**HCS HBs 1461 & 1470, with House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 3 and HS, as amended, pending,** relating to elections, was taken up by Representative Seigfreid.

**House Substitute Amendment No. 1 for House Amendment No. 3** was withdrawn.

Representative Hanaway offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.453, Page 67, by deleting the opening bracket ([]) on Line 11 and deleting the closing bracket ([]) on Line 13; and

Further amend said section, Page 67, Line 13, by inserting the following after "**clear.**":

**"Regulations promulgated by the secretary of state shall be used by the judges to determine voter intent."**; and

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

On motion of Representative Hanaway, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

Representative Scheve offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.420, Page 65, Line 6, by inserting a period (.) at the end of said line; and

Further amend said section, Lines 7-9, by deleting all of said lines; and

Further amend said section, Lines 14-19, by deleting all of said line; and

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

On motion of Representative Scheve, **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Sections 115.074 and 115.076, Pages 9-11, by deleting all of said sections and inserting in lieu thereof the following:

**“115.076. 1. Subject to appropriation of federal funds, the secretary of state shall administer a grant program annually for the purposes of providing funds to election authorities:**

**(1) To make polling places, including paths of travel, entrances, exits and voting areas of each polling facility accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and secret, independent and verifiable participation, including privacy and independence, as for other voters;**

**(2) To provide individuals with disabilities and individuals who are blind and visually impaired with information about the accessibility of polling places, including outreach programs to inform individuals about the availability of accessible polling places and to train election officials, poll workers, and election volunteers on how to best promote the access and participation of individuals in elections, and to provide assistance in all accommodations needed by voters with disabilities.**

**Such funding shall be in the form of matching grants.**

**The secretary of state may promulgate rules to effectuate the provisions of this section.**

**2. 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, enacting clause and intersectional references accordingly.

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

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

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Page 30, Section 115.157, Line 3 of said page, by inserting after the words "**enforcement agency**," the following:

**"any county, state, or federal parole officer, any federal pretrial officer, any peace officer pursuant to section 590.010, RSMo, any member of a parole officer's, pretrial officer's, or peace officer's immediate family,"**; and

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

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

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

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.645, Pages 71-72, by deleting all of said section; and

Further amend the title enacting clause and intersectional references accordingly.

Representative Monaco assumed the Chair.

Representative Hegeman offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Pages 71 and 72, Section 115.645, by deleting all of said section and inserting in lieu thereof the following:

**"115.645. 1. To determine whether violations of this chapter have occurred, the secretary of state shall have the power to investigate such persons and records as necessary. Such power is limited to cases where:**

**(1) The secretary of state determines that a matter of statewide interest is adversely affected; or  
(2) The secretary of state determines local law enforcement authorities are unwilling or unable to investigate the matter; or**

**(3) The local election authority requests the secretary of state to investigate.**

**2. The secretary of state shall have the investigative subpoena powers granted prosecuting attorneys under section 56.085, RSMo. The venue for seeking issuance of such subpoena shall be in Cole County. Any request for subpoena shall:**

**(1) State the statute and section thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;**

**(2) Describe the class or classes of information, documentary material, or physical evidence to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;**

**(3) Prescribe a return date by which the information, documentary material, or physical evidence is to be produced; and**

**(4) Identify the members of the secretary of state's staff to whom the information, documentary material, or physical evidence requested is to be made available.**

**3. No request for subpoena shall:**

(1) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state;

(2) Require the disclosure of any documentary material which would be privileged or which, for any other reason, could not be required by a subpoena duces tecum issued by a court of this state;

(3) Require any person to travel outside the county of his or her residence.

4. The secretary of state shall promulgate rules to effectuate the provisions of this section.

5. The secretary of state shall ensure the confidentiality of all reports, records, working papers, recorded information except that all such records shall be available to the local law enforcement officials if the secretary of state refers any alleged violation of this chapter for prosecution and to the local election authority except when the secretary of state alleges the local election authority has committed a violation of this chapter.

6. In investigating violations of this chapter the secretary of state and any local law enforcement officials shall refrain from any conduct which has the possibility of affecting the conduct or outcome of an election. No investigations of alleged violations of this chapter by the secretary of state or local law enforcement officials shall occur prior to an election and subpoenas requested prior to an election shall be issued only if sufficient evidence exist that information or documents sought under the subpoena will be unavailable after the election.

7. The secretary of state shall have the power to access records that are closed under this chapter or under chapter 610, RSMo, if such records are necessary for the conduct of an investigation under this section.

8. 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 said title, enacting clause and intersectional references accordingly.

Representative Smith raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is not a true substitute amendment.

Representative Smith raised a second point of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is not properly drafted.

Representative Monaco requested a parliamentary ruling.

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

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

Speaker Kreider resumed the Chair.

Representative Hegeman moved that **House Substitute Amendment No. 1 for House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Fares	Gaskill	Griesheimer	Hanaway
Hartzler	Hegeman	Henderson	Hendrickson	Hohulin
Holand	Hunter	Jetton	Kelley 47	Kelly 144
King	Legan	Linton	Lograsso	Long
Luetkemeyer	Marble	Marsh	May 149	Mayer
Miller	Moore	Myers	Naeger	Ostmann
Phillips	Portwood	Purgason	Quinn	Rector
Reid	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Shields	Shoemaker
St. Onge	Surface	Townley	Vogel	Wright

NOES: 080

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

PRESENT: 000

ABSENT WITH LEAVE: 009

Froelker	Gratz	Hosmer	Luetkenhaus	Murphy
Nordwald	Reinhart	Secrest	Ward	

VACANCIES: 004

Representative Hohulin requested a verification of the roll call on the adoption of **House Substitute Amendment No. 1 for House Amendment No. 7.**

On motion of Representative Smith, **House Amendment No. 7** was adopted by the following vote:



AYES: 079

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

NOES: 073

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Fares	Farnen	Froelker	Gaskill
Griesheimer	Hanaway	Hartzler	Hegeman	Henderson
Hendrickson	Hohulin	Holand	Hunter	Jetton
Kelley 47	Kelly 144	King	Legan	Linton
Lograsso	Long	Marble	Marsh	May 149
Mayer	Miller	Moore	Murphy	Myers
Naeger	Nordwald	Ostmann	Phillips	Portwood
Purgason	Quinn	Rector	Reid	Richardson
Ridgeway	Roark	Robirds	Ross	Schwab
Scott	Shields	Shoemaker	St. Onge	Surface
Townley	Vogel	Wright		

PRESENT: 001

Hosmer

ABSENT WITH LEAVE: 006

Baker	Gratz	Luetkemeyer	O'Connor	Reinhart
Secrest				

VACANCIES: 004

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

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.126, Page 20, Line 19, by deleting “**presidential**” and inserting in lieu thereof “**general**”; and

Further amend said section, Page 21, Lines 8-23, by deleting all of said lines and renumbering the subsections accordingly.

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

Representative Seigfreid raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 8** is not a true substitute amendment.

The Chair ruled the point of order well taken.

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

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

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.126, Page 20, Line 19, by deleting “**presidential**” and inserting in lieu thereof “**general**”; and

Further amend said section, Page 21, Lines 8-15, by deleting all of said lines and inserting in lieu thereof the following: “**3. The**”; and on Page 21, Line 20, by deleting the word “**presidential**” and inserting in lieu thereof the word “**general**”; and

Further renumber the subsections accordingly.

Representative Hanaway moved that **House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Scheve moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Wilson (42) offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, by inserting Section 2 following Section 1.1, Page 81, Line 15.

“**1. All grant programs to be administered by the Secretary of State under Section 115.102, 115.074, 115.076 and 115.083 shall be administered by the Secretary of State such that the counties or a city not within a county which have the highest number of residents with an annual income, according to the most recent federal census, below that of the federal poverty level as established the federal department of health and human services, or its successor agency, shall receive preferred consideration for said grants.**”.

On motion of Representative Wilson (42), **House Amendment No. 9** was adopted.

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

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Page 70, Section 115.493, Line 11 of said page, by inserting after all of said line the following:

"115.507. 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. **Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.**

4. Not later than the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of article V, section 29 of the state constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of ..... (City of St. Louis, Kansas City) on the ..... day of ....., ....., ", etc."; and

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

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

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

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.277, Page 46, Line 18, by inserting opening and closing brackets ([ ]) around "**in any election**"; and

Further amend said section, Line 19, by inserting after "**election**" the following:

**"for presidential and vice presidential electors, United States senator and representative in Congress";**  
and

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

On motion of Representative Williams, **House Amendment No. 11** was adopted.

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

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.127, Page 24, Line 15, by inserting an opening bracket ([]) after "4.", and Page 25, Line 1, by inserting a closing bracket after "ballot." and inserting in lieu thereof the following:

**"Except as otherwise provided in article XII, section 2(b) of the Missouri Constitution or chapter 116, RSMo, in lieu of causing legal notice to be published twice in accordance with any of the provisions of this chapter, the election authority may cause legal notice to be mailed prior to the election by first class mail or other mail as authorized under the National Voter Registration Act of 1993 to each registered voter, and cause legal notice to be published within one week before the election in a newspaper qualified pursuant to chapter 493, RSMo. All such legal notices shall include the date and time of the election, the location of the polling place, the officer or agency calling the election and a sample ballot and voting instructions.";** and

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

Representative Long moved that **House Amendment No. 12** be adopted.

Which motion was defeated.

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

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.126, Page 20, Lines 16-24, Page 21, Lines 1-24, and Page 22, Lines 1-14, by deleting all of said section; and

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

Representative Reid moved that **House Amendment No. 13** be adopted.

Which motion was defeated by the following vote:

AYES: 007

Harlan	Hohulin	Kelly 144	Legan	Reid
Schwab	Whorton			

NOES: 139

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz

Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hilgemann	Holand	Hollingsworth	Holt
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Kelley 47	Kelly 27	Kelly 36	King	Lawson
Liese	Linton	Lograsso	Long	Lowe
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Scott	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 013

Baker	Ballard	Gratz	Green 73	Hickey
Hoppe	Jolly	Koller	Luetkemeyer	Monaco
O'Toole	Reinhart	Secrest		

VACANCIES: 004

### Representative Berkstresser offered **House Amendment No. 14.**

#### *House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Page 72, Section 115.645, Line 9, by inserting immediately after said section the following:

- “115.800. 1. This section shall be known and may be cited as the “Fair Ballot Language Act”.**
- 2. Each ballot question shall have an explanation following such question stating how a yes vote and how a no vote will affect taxation. The language shall be substantially as follows: “A (yes or no) vote will (raise, lower or not affect) taxes.”**
- 3. The election authority adding such question to the ballot shall make the determination required by this section.”; and**

Further amend title and enacting clause.

Representative Berkstresser moved that **House Amendment No. 14** be adopted.

Which motion was defeated.

Representative Harding offered **House Amendment No. 15.**

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Page 9, Section 115.013, by inserting after all of said section the following:

**“115.022. Any election authority may establish a sample ballot pilot project within such election authority’s jurisdiction, which shall provide sample ballots by mail to voters for the purpose of educating the voters of the voting process and for determining whether providing sample ballots by mail to voters will increase voter turnout. Any election authority which establishes a sample ballot pilot project pursuant to this section shall establish such program by January 1, 2003, and shall deliver a report on the effectiveness of the pilot project, including recommendations for continuing, expanding, or modifying the project, to the secretary of state by December 31, 2005.”; and**

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

Representative Harding moved that **House Amendment No. 15** be adopted.

Which motion was defeated by the following vote:

AYES: 052

Baker	Berkowitz	Boucher	Bray 84	Britt
Campbell	Carnahan	Clayton	Copenhaver	Crump
Curls	Daus	Davis	Farnen	Franklin
Fraser	George	Graham	Green 15	Hagan-Harrell
Hampton	Harding	Harlan	Hilgemann	Hollingsworth
Holt	Hosmer	Johnson 90	Jolly	Kelly 27
Kelly 36	Liese	Long	Lowe	Mays 50
Merideth	Overschmidt	Ransdall	Relford	Reynolds
Scheve	Seigfreid	Selby	Shoemyer	Skaggs
Smith	Treadway	Troupe	Van Zandt	Villa
Willoughby	Wilson 25			

NOES: 090

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkstresser	Black
Bland	Boatright	Bonner	Bowman	Boykins
Brooks	Burcham	Burton	Byrd	Champion
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Fares	Froelker	Gambara
Gaskill	Griesheimer	Hanaway	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hohulin	Holand
Hoppe	Hunter	Jetton	Johnson 61	Kelley 47
Kelly 144	King	Legan	Linton	Lograsso
Marble	Marsh	May 149	Mayer	McKenna
Miller	Moore	Myers	Naeger	Nordwald
O'Toole	Ostmann	Phillips	Portwood	Purgason
Quinn	Rector	Reid	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Schwab
Scott	Shelton	Shields	Shoemaker	St. Onge
Surface	Thompson	Townley	Vogel	Walton
Ward	Whorton	Wilson 42	Wright	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 017

Abel	Enz	Foley	Gratz	Green 73
Hickey	Koller	Lawson	Luetkemeyer	Luetkenhaus
Monaco	Murphy	O'Connor	Reinhart	Secrest
Wagner	Williams			

VACANCIES: 004

**HCS HBs 1461 & 1470, with HS, as amended, pending,** was laid over.

### **SIGNING OF SENATE BILL**

All other business of the House was suspended while **CCS HCS SS #2 SB 650** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

### **SIGNING OF HOUSE BILL**

Having been duly signed in open session of the Senate, **CCS SCS HS HCS HBs 1037, 1188, 1074 & 1271** was delivered to the Governor by the Chief Clerk of the House.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 2002** - Local Government and Related Matters

**HB 2058** - Agriculture

**HB 2080** - Criminal Law

### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1159, HB 1214, HB 1624, HB 1204, HB 1093, HB 1714, HB 1205, HB 1411, HB 1094, HB 1397, HB 1391, HB 1272, HB 1918, HB 1242, HB 1075, HB 1320** and **HB 1515 (Consent)**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Elections**, Chairman Seigfreid reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1840**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

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

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1032**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1313**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1409**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1600**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1643**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Social Services, Medicaid and the Elderly**, Chairman Ladd Baker reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid the Elderly, to which was referred **HB 1781**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

## **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

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

**HJR 57**, introduced by Representative Koller, relating to transportation.

**HJR 58**, introduced by Representatives Hosmer and Holand, relating to judiciary.

## **INTRODUCTION OF HOUSE BILLS**

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

**HB 2095**, introduced by Representatives Mays (50), Willoughby and Burton, relating to the public service commission.

**HB 2096**, introduced by Representative Hollingsworth, relating to an equitable distribution system for local effort moneys and annual state appropriations for outpatient mental health services.



**HB 2097**, introduced by Representatives Copenhaver, Berkowitz, Shoemyer (9), Smith and Britt, relating to weights and measures.

**HB 2098**, introduced by Representative Walton, relating to African-American education.

**HB 2099**, introduced by Representative Hohulin, relating to exemptions from taxation.

**HB 2100**, introduced by Representative Hohulin, relating to franchise tax.

**HB 2101**, introduced by Representatives Cooper, Bearden, Dempsey, Hohulin, Hunter, Richardson and Legan, et al, relating to motor vehicles.

**HB 2102**, introduced by Representative Johnson (90), relating to a Missouri state board of electrolysis.

**HB 2103**, introduced by Representative Scott, relating to the vocational enterprises program.

**HB 2104**, introduced by Representatives Berkowitz, Barry, Hilgemann, Copenhaver, Wilson (42), Richardson and Luetkemeyer, relating to availability of certain vaccinations for residents in long-term care facilities.

**HB 2105**, introduced by Representatives Monaco, Bonner and Clayton, relating to drivers' licenses.

**HB 2106**, introduced by Representative Hagan-Harrell, relating to retirement benefits for members of the general assembly.

**HB 2107**, introduced by Representatives Byrd, Naeger and Hanaway, et al, relating to Missouri dependency exemptions.

**HB 2108**, introduced by Representative Bartelsmeyer, relating to election costs.

**HB 2109**, introduced by Representatives Lawson and Shields, relating to disclosure of mental health information.

**HB 2110**, introduced by Representatives Reinhart, Ridgeway, Kelly (144), Gaskill and Berkstresser, relating to unlawful use of weapons.

**HB 2111**, introduced by Representatives Kelly (144) and Kreider, et al, relating to enterprise zones.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 642**, entitled:

An act to amend chapter 191, RSMo, by adding thereto two new sections relating to testing for certain diseases.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 714**, entitled:

An act to repeal section 190.500, RSMo, relating to the declaration of a state public health emergency, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 786**, entitled:

An act to amend chapter 327, RSMo, by adding thereto one new section relating to the licensing of architects and engineers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1011**, entitled:

An act to repeal section 260.270, RSMo, and to enact in lieu thereof one new section relating to waste tires, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1015**, entitled:

An act to repeal sections 253.080 and 253.082, RSMo, relating to state parks, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, March 6, 2002.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-first Day, Monday, March 4, 2002, pages 431 and 432, roll call, by showing Representative Bartelsmeyer "absent with leave" rather than voting "aye".

Pages 431 and 432, roll call, by showing Representatives Bartle, Berkstresser, Boatright and Green (15) voting "aye" rather than "absent with leave".

Pages 432 and 433, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 433 and 434, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 434 and 435, roll call, by showing Representative Boatright voting "aye" rather than "no".

Page 440, roll call, by showing Representative Cunningham voting "aye" rather than "absent with leave".

Pages 442 and 443, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 443 and 444, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Wednesday, March 6, 2002, 3:00 p.m. Hearing Room 7.

To be considered - HB 1958, Executive Session - HB 1794, Executive Session - HB 1863, Executive Session - HB 1936, Executive Session - HCR 14, Executive Session - HR 281

### **APPROPRIATIONS - EDUCATION**

Wednesday, March 6, 2002. Hearing Room 1 upon adjournment.

Possible Executive Session. Continuation of mark-up.

To be considered - HB 1102, HB 1103

### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, March 6, 2002, 3:00 p.m. Hearing Room 2.

Executive Session.

To be considered - HB 1953

### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, March 6, 2002. Hearing Room 6 fifteen minutes upon adjournment.

Executive Session may follow. AMENDED.

To be considered - HB 1363, HB 1888, HB 1950, HB 2045, HR 51

### **BUDGET**

Wednesday, March 6, 2002, 8:00 a.m. Hearing Room 3. AMENDED.

Continuation on FY 2003 budget.

To be considered: HB 1104, HB 1112

BUDGET

Wednesday, March 6, 2002. Hearing Room 3 upon am adjournment.  
Continuation on FY 2003 budget.  
Specific bills announced in an amended notice.

BUDGET

Thursday, March 7, 2002, 8:00 a.m. Hearing Room 3.  
Continuation on FY 2003 budget.  
Specific bills to be announced in an amended notice.

BUDGET

Thursday, March 7, 2002. Hearing Room 3 upon a.m. adjournment.  
Continuation on FY2003 budget.  
Specific bills to be announced in amended notice.

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 6, 2002, 3:00 p.m. Hearing Room 1. AMENDED.  
To be considered - HB 1465, HB 1471, HB 1693, HB 1747, HB 1917, HB 1968  
Executive Session - HB 1802

COMMERCE AND ECONOMIC DEVELOPMENT

Wednesday, March 6, 2002. Hearing Room 7 upon adjournment.  
Executive Session may follow.  
To be considered - HB 1889

CRIMINAL LAW

Wednesday, March 6, 2002, 8:00 p.m. Hearing Room 7. AMENDED.  
Executive Session may follow.  
To be considered - HB 1394, HB 1542, HB 1737, HB 1836, HB 2008

EDUCATION - HIGHER

Wednesday, March 6, 2002, 3:00 p.m. Hearing Room 5.  
Possible Executive Session on bills heard by the committee as of this date.  
To be considered - HB 1986, HB 2019

ENVIRONMENT AND ENERGY

Thursday, March 7, 2002, 8:30 a.m. Hearing Room 7.  
Executive Session may follow.  
To be considered - HB 1323, HB 1599, HB 1754

FISCAL REVIEW AND GOVERNMENT REFORM

Wednesday, March 6, 2002, 8:30 a.m. Hearing Room 4.  
Fiscal Review HCS HB 1472.  
To be considered - HB 1897, HB 1915, Executive Session - HB 1306, Executive Session - HB 1855

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, March 7, 2002. Hearing Room 6 upon adjournment

20CSR 500-6.700

Department of Insurance, Property & Casualty, Workers' Compensation and Employer's Liability.

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 6, 2002, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1813, HB 1850, HJR 24, HJR 33, HJR 40, HJR 51, HR 361

MUNICIPAL CORPORATIONS

Wednesday, March 6, 2002, 3:00 p.m. Hearing Room 4. AMENDED.

To be considered - HB 1708, HB 1811, HB 1931, HB 1964

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 6, 2002, 5:00 p.m. Hearing Room 5.

To be considered - HB 1919, HB 1937

RETIREMENT

Wednesday, March 6, 2002, 7:00 p.m. Hearing Room 1.

Executive Session may follow. AMENDED.

To be considered - HB 1538, HB 1571, HB 1572, HB 1674, HB 1724, HB 1818, HB 1823

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Wednesday, March 6, 2002. Hearing Room 4 upon a.m. adjournment.

To be considered - HB 1265, HB 1412

SUBCOMMITTEE ON BUDGET

Wednesday, March 6, 2002, 7:30 p.m. Hearing Room 3.

Testimony.

To be considered - HB 1114

TRANSPORTATION

Wednesday, March 6, 2002, 3:00 p.m. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1535, HB 1645, HB 1746

UTILITIES REGULATION

Wednesday, March 6, 2002, 8:30 a.m. Hearing Room 7.

Executive Session may follow.

To be considered - HB 1875, HB 1914, HB 1929

## **HOUSE CALENDAR**

THIRTY-THIRD DAY, WEDNESDAY, MARCH 6, 2002

### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 57 and HJR 58

### **HOUSE BILLS FOR SECOND READING**

HB 2095 through HB 2111

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1461 & 1470, with HS, as amended, pending - Seigfreid
- 2 HCS HB 1069 - Bray
- 3 HCS HB 1403 - St. Onge
- 4 HCS HB 1817 - Franklin
- 5 HB 1592 - Hickey
- 6 HCS HB 1532 - Hoppe
- 7 HCS HB 1344 & 1944 - Crump
- 8 HCS HB 1906 - Green (73)
- 9 HCS HB 1877 - Foley
- 10 HB 1679 - Crump
- 11 HCS HB 1392 - Davis
- 12 HCS HB 1479 - Ladd Baker

### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HB 1594, as amended - Gratz
- 2 HCS HB 1202, as amended - Smith

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(3-4-02)

- 1 HB 1569 - Davis
- 2 HB 1795 - Berkowitz
- 3 HB 1849 - Barnitz
- 4 HB 1745 - Koller
- 5 HB 1400 - Merideth
- 6 HB 1141 - Naeger
- 7 HB 1270 - Gratz
- 8 HB 1822 - Walton
- 9 HB 1783 - Lowe

- 10 HB 1768 - Hosmer
- 11 HB 1814 - Monaco
- 12 HB 1712 - Monaco
- 13 HB 1895 - Monaco
- 14 HB 1722 - Hosmer
- 15 HB 1779 - Green (73)
- 16 HB 1788 - Ross
- 17 HB 1778 - Monaco
- 18 HB 1789 - Ross
- 19 HB 1314 - Mays (50)
- 20 HB 1632 - O'Connor

### **HOUSE JOINT RESOLUTION FOR THIRD READING**

HJR 32 - Barry

### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HB 1672 - Gambaro
- 3 HCS HB 1765, E.C. - Bray
- 4 HB 1581 - Clayton
- 5 HB 1418 - Barnitz

### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1406 - Barnett
- 2 HB 1402 - Burton
- 3 HB 1159 - Boykins
- 4 HB 1214 - Davis
- 5 HB 1624 - Skaggs
- 6 HB 1204 - Seigfreid
- 7 HB 1093 - Relford
- 8 HB 1714 - Hilgemann
- 9 HB 1205 - Seigfreid
- 10 HB 1411 - Skaggs
- 11 HB 1094 - Relford
- 12 HB 1397 - Ransdall
- 13 HB 1391 - Smith
- 14 HB 1272 - Smith
- 15 HB 1918 - Koller
- 16 HB 1242 - Griesheimer
- 17 HB 1075 - Nordwald
- 18 HB 1320 - Reid
- 19 HB 1515 - Burton

**SENATE BILLS FOR SECOND READING**

- 1 SCS SB 642
- 2 SB 714
- 3 SB 786
- 4 SB 1011
- 5 SCS SB 1015

**HOUSE RESOLUTION**

HR 150, (2-21-02, page 344) - Vogel