

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

THIRTY-THIRD DAY, WEDNESDAY, MARCH 6, 2002

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God: we would know You better than we do, so that we might love and serve You better than we have. Keep us from breaking faith with yesterdays promises or leaving unrepaired yesterdays wrongs.

Protect these men and women of the House from cynicism, and keep them working to improve our state, protect the needy, and care for the dependent. Help them to think clearly and to lead with compassion.

To You be glory and honor. 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: Daniel Wright, Maya Nevels, Evelyn Babcock, Marybeth Earhart, Brianne Schneider, Bridget Taylor, Crystal Crawford, Megan Hodgan, Cody Vaughn, Emily Anderson, Megan Anderson, Anna Berkowitz, Scott Burdick, Erika Meeker, Christa Hower, Cody Frazier, Mitchell Fitzpatrick, Hannah Barnard, Phillip James Scott, Brooke Boulware, Sadie Ronan, John Norman, Rebekah Hamilton, Jessica Newman, Amy Mack, Shawaun Nixon, Brya Mitchel, Ryan Fox, Sherean Abdallah, Lauren Ashley Scott, Laura Truetken, Sydney Cross, Ken Smith, Walter Harper, Caitlin O'Donnell, Angel Bailey, Kenneth Williams, Jr., Jordan Smith, Drew VanDyke, Tamika Reese, Danielle Waggerman, Sarah Bredeman, Michelle McNealey, Megan Myrick, Alyssa Wollard, Lucas Hofheins, Zeke Stott and Elizabeth Uhmer.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 557 - Representative Jolly
House Resolution No. 558 - Representative Hollingsworth
House Resolution No. 559
and
House Resolution No. 560 - Representative Crowell
House Resolution No. 561
and
House Resolution No. 562 - Representative Willoughby
House Resolution No. 563 - Representative Thompson

House Resolution No. 564
through
House Resolution No. 567 - Representative Harding
House Resolution No. 568
and
House Resolution No. 569 - Representative Legan
House Resolution No. 570 - Representative Sanders Brooks
House Resolution No. 571 - Representative Hanaway
House Resolution No. 572
through
House Resolution No. 599 - Representative Murphy, et al
House Resolution No. 600
through
House Resolution No. 643 - Representative Murphy
House Resolution No. 644
through
House Resolution No. 657 - Representatives Murphy and Enz
House Resolution No. 658
through
House Resolution No. 671 - Representatives Enz and Hendrickson
House Resolution No. 672 - Representative Schwab
House Resolution No. 673 - Representative Crump
House Resolution No. 674 - Representative Johnson (90)
House Resolution No. 675 - Representative Vogel

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 57 and **HJR 58** were read the second time.

SECOND READING OF HOUSE BILLS

HB 2095 through **HB 2111** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 642, **SB 714**, **SB 786**, **SB 1011** and **SCS SB 1015** were read the second time.

THIRD READING OF HOUSE BILLS - CONSENT

HB 1406, relating to Northwest Missouri State University, was taken up by Representative Barnett.

On motion of Representative Barnett, **HB 1406** was read the third time and passed by the following vote:

AYES: 155

| | | | | |
|---------------|-------------|-----------|-----------|---------------|
| Abel | Baker | Ballard | Barnett | 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 | Gratz | Green 15 | Green 73 | Griesheimer |
| Hagan-Harrell | Hampton | Hanaway | Harding | Harlan |
| Hartzler | Haywood | Hegeman | Henderson | Hendrickson |
| Hickey | Hilgemann | Hohulin | 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 | 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: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

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|---------|----------|----------|---------|
| Barnitz | Lograsso | Reinhart | Secrest |
|---------|----------|----------|---------|

VACANCIES: 004

Speaker Kreider declared the bill passed.

HB 1402, relating to telecommunication services, was taken up by Representative Burton.

On motion of Representative Burton, **HB 1402** was read the third time and passed by the following vote:

AYES: 156

| | | | | |
|---------------|-------------|-------------|-----------|---------------|
| Abel | 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 | Gambara | Gaskill | George |
| Graham | Gratz | Green 15 | Green 73 | Griesheimer |
| Hagan-Harrell | Hampton | Hanaway | Harding | Harlan |
| Hartzler | Haywood | Hegeman | Henderson | Hendrickson |
| Hickey | Hilgemann | Hohulin | 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: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

| | | |
|-------|----------|---------|
| Baker | Reinhart | Secrest |
|-------|----------|---------|

VACANCIES: 004

Speaker Kreider declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HBs 1461 & 1470, with HS, as amended, pending, relating to elections, was taken up by Representative Seigfreid.

Representative Richardson offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Page 77, Section 130.026, Line 16 of said page, by inserting after all of said line the following:

"130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate **except a candidate seeking office in any special election occurring on or after January 1, 1999**, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a continuing committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for such election any time within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the continuing committee's first report, the report shall be cumulative from the date of the continuing committee's organization. Every candidate, treasurer or deputy treasurer

shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the seventh day before an election for the period closing on the twelfth day before the election;

(2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed quarterly; provided that, any other report required to be filed prior to the primary election and all other reports required to be filed not later than the seventh day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed; provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than two hundred fifty dollars from any single contributor. Any contributions received or expenditures made which are not reported because of this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. A report shall be filed for two or more consecutive disclosure quarters if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars and a report shall be filed not later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June;

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission."; and

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

On motion of Representative Richardson, **House Amendment No. 16** was adopted.

Representative Hanaway offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section A, Page 2, Line 4, by inserting all of the following after said line:

"21.110. If the governor receives any resignation or notice of vacancy, or if he is satisfied of the death of any member of either house, during the recess, [he] **the governor** shall, [without delay] **within thirty days of the date of such resignation, notice of vacancy or death**, issue a writ of election to supply the vacancy."; and

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

Representative Johnson (90) offered **House Substitute Amendment No. 1 for House Amendment No. 17**.

Representative Hanaway raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 17** is not a true substitute amendment.

The Chair ruled the point of order well taken.

Representative Copenhagen offered **House Substitute Amendment No. 1 for House Amendment No. 17**.

House Substitute Amendment No. 1 for House Amendment No. 17 was withdrawn.

Representative Hanaway moved that **House Amendment No. 17** be adopted.

Which motion was defeated by the following vote:

AYES: 074

| | | | | |
|-----------|--------------|--------------|-----------|-------------|
| Ballard | Barnett | Bartelsmeyer | Bartle | Bearden |
| Behnen | Berkstresser | Black | Boatright | Burcham |
| Burton | Byrd | Champion | Cierpiot | Cooper |
| Crawford | Crowell | Cunningham | Dempsey | Dolan |
| Enz | Fares | Froelker | 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 | 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 | Whorton | Wright | |

NOES: 080

| | | | | |
|-------------|---------------|-----------|-------------|---------------|
| Abel | Barnitz | Barry 100 | Berkowitz | Bland |
| Bonner | Boucher | Bowman | Boykins | Bray 84 |
| Britt | Brooks | Campbell | Carnahan | Clayton |
| Crump | Curls | Daus | Davis | Farnen |
| Foley | Franklin | Fraser | Gambaro | George |
| Graham | Gratz | Green 15 | Green 73 | Hagan-Harrell |
| Hampton | Harding | Harlan | Haywood | Hickey |
| Hilgemann | Hollingsworth | Holt | Hoppe | Hosmer |
| Johnson 90 | Jolly | Kelly 27 | Kelly 36 | Koller |
| Lawson | Liese | Lowe | Luetkenhaus | 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 | Ward |
| Williams | Willoughby | Wilson 25 | Wilson 42 | Mr. Speaker |

PRESENT: 002

| | |
|------------|------------|
| Copenhaver | Johnson 61 |
|------------|------------|

ABSENT WITH LEAVE: 003

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| Baker | Reinhart | Secrest |
|-------|----------|---------|

VACANCIES: 004

Representative Hunter offered **House Amendment No. 18.**

House Amendment No. 18 was withdrawn.

Speaker Pro Tem Abel assumed the Chair.

Representative Long offered **House Amendment No. 18.**

House Amendment No. 18

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470, Section 115.420, Page 65, Line 19, by inserting the following after all of said line:

“115.427. 1. [In counties using binders as precinct registers,] before receiving a ballot, [each voter] **voters** shall identify [himself] **themselves by presenting a form of personal identification from the following list:**

(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(2) Identification issued by the United States government or agency thereof;

(3) Identification issued by an institution of higher education, including a university, college, vocational

and technical school, located within the state of Missouri;

(4) Driver's license or state identification card issued by another state; or

(5) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section.

Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purposes.

[and write his address and sign his name on a certificate furnished to the election judges by the election authority. Each certificate shall be in substantially the following form:

VOTER'S IDENTIFICATION CERTIFICATE Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote. PRECINCT WARD OR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 20....

Date I hereby certify that I am qualified to vote at this election.

.....

Sign Name (Do Not Print) Initials of two judges from Address different political parties]

2. [In counties using computer printouts as the precinct register, before receiving a ballot, each voter shall present his voter identification card as provided in section 115.163.] The [computer printout] **precinct register** shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the [computer printout] **precinct register**:

VOTER'S IDENTIFICATION CERTIFICATE Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote. PRECINCT WARD OR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 20....

Date

I hereby certify that I am qualified to vote at this election by signing my name and verifying my address by signing by initials next to my address. [The voter shall sign his name and verify his address by his initials.]

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

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

[3.]5. If any voter is unable to sign his name, an election judge shall print the name and address of the voter in the appropriate place on the [certificate or printout] **precinct register**, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

[4. In counties using binders as the precinct register, two election judges, one from each major political party, shall compare the signature on the identification certificate with the signature on the precinct register.

5. In counties using printouts as the precinct register, two election judges, one from each major political party, shall compare the signature on the voter identification card with the signature on the computer printout. If the voter does not have his voter identification card, the judges shall require identification acceptable to the election authority. Personal knowledge of the voter by two election judges, one from each major political party, shall be acceptable identification to the election authority.]"; and

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

Representative Long moved that **House Amendment No. 18** be adopted.

Which motion was defeated by the following vote:

AYES: 070

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|-----------|--------------|--------------|-----------|-------------|
| Ballard | Barnett | Bartelsmeyer | Bartle | Bearden |
| Behnen | Berkstresser | Black | Boatright | Burton |
| Byrd | Champion | Cierpiot | Cooper | Crawford |
| Crowell | Cunningham | Dempsey | Dolan | Enz |
| Fares | Froelker | Gaskill | Green 73 | 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 | Wright |

NOES: 078

| | | | | |
|------------|---------------|-------------|-----------|-------------|
| 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 | Gratz | Green 15 |
| Hampton | Harding | Harlan | Haywood | Hickey |
| Hilgemann | Hollingsworth | Holt | Hoppe | Hosmer |
| Johnson 61 | Johnson 90 | Jolly | Kelly 27 | Kelly 36 |
| Koller | Lawson | Liese | Lowe | Mays 50 |
| McKenna | Merideth | O'Connor | O'Toole | Overschmidt |
| Ransdall | Relford | Reynolds | Rizzo | Scheve |
| Seigfreid | Selby | Shelton | Shoemyer | Skaggs |
| Smith | Thompson | Treadway | Villa | Wagner |
| Walton | Ward | Whorton | Williams | Willoughby |
| Wilson 25 | Wilson 42 | Mr. Speaker | | |

PRESENT: 000

ABSENT WITH LEAVE: 011

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|----------|---------------|-------------|--------|-----------|
| Burcham | Hagan-Harrell | Luetkenhaus | Monaco | Murphy |
| Nordwald | Reinhart | Secrest | Troupe | Van Zandt |
| Vogel | | | | |

VACANCIES: 004

Representative Wright requested a verification of the roll call on the motion to adopt **House Amendment No. 18**.

On motion of Representative Seigfreid, **HS HCS HBs 1461 & 1470, as amended**, was adopted.

On motion of Representative Seigfreid, **HS HCS HBs 1461 & 1470, as amended**, was ordered perfected and printed.

HCS HB 1069, relating to wage practices, was placed on the Informal Calendar.

HCS HB 1403, relating to retainage in building contracts, was placed on the Informal Calendar.

HCS HB 1817, relating to accountability for schools, was placed on the Informal Calendar.

HB 1592, relating to workers memorial fund, was placed on the Informal Calendar.

HCS HB 1532, relating to intoxication torts, was placed on the Informal Calendar.

HCS HBs 1344 & 1944, relating to firearms, was placed on the Informal Calendar.

HCS HB 1906, relating to state funds, was taken up by Representative Green (73).

Representative Green (73) offered **HS HCS HB 1906**.

Representative Marble requested a division of the question on **HS HCS HB 1906**.

On motion of Representative Green (73), **Part I of HS HCS HB 1906** was adopted.

Representative Relford offered **House Amendment No. 1 to Part II**.

House Amendment No. 1

AMEND Part II of House Substitute for House Committee Substitute for House Bill No. 1906, Page 2, Section 33.569, Line 19, by inserting immediately after the word “services” the following: “**performed on behalf of the fund.**”.

Representative Relford moved that **House Amendment No. 1 to Part II** be adopted.

Which motion was defeated.

On motion of Representative Green (73), **Part II of HS HCS HB 1906** was adopted.

On motion of Representative Green (73), **HS HCS HB 1906** was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Children, Families and Health, Chairman Barry reporting:

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **HB 1548**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Correctional and State Institutions, Chairman Gratz reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 1861**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 1504**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 1755**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 1852**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 1862**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

INTRODUCTION OF HOUSE BILLS

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

HB 2112, introduced by Representatives Luetkenhaus, Gratz, Portwood, Burton, Reinhart, Kelley (47), Ross, Hunter, Hoppe, O'Connor and Holt, et al, relating to the powers of the attorney general.

HB 2113, introduced by Representatives Seigfreid, Copenhaver and Shoemyer (9), relating to detachment from a watershed subdistrict.

HB 2114, introduced by Representatives Whorton, Berkowitz, Shoemyer (9), Merideth and Legan, relating to equipment dealers.

HB 2115, introduced by Representatives Koller, Hanaway and Kreider, relating to authorization of the position of inspector general.

HB 2116, introduced by Representatives Johnson (61), Cunningham and Marble, relating to schools that participate in activities associations.

HB 2117, introduced by Representative Boucher, relating to the assistive technology advisory council.

HB 2118, introduced by Representatives O'Connor, Foley, Green (73), Green (15), O'Toole, Holt, Lowe and Hickey, et al, relating to fire protection sprinkler systems.

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 adopted **SCR 49**.

SENATE CONCURRENT RESOLUTION NO. 49

BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed, and bound all acts and resolutions of the Ninety-first General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws, and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-first General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

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 976**, entitled:

An act to repeal section 191.400, RSMo, relating to the state board of health, 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 **SCS SB 1024**, entitled:

An act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

The Speaker submitted the following Committee change:

Representative O'Connor is no longer a member of the Appropriations-Health and Mental Health Committee.

MESSAGES FROM THE GOVERNOR

EXECUTIVE OFFICE
March 6, 2002

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
SECOND REGULAR SESSION
91ST GENERAL ASSEMBLY
STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1037, 1188, 1074 & 1271** entitled:

"AN ACT"

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for sexual offenses, with penalty provisions and an emergency clause.

On March 6, 2002, I approved said **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1037, 1188, 1074 & 1271**.

Respectfully submitted,

/s/ Bob Holden
Governor

The following Special Message was received from His Excellency, Governor Bob Holden:

PROCLAMATION

WHEREAS, during 2001 all major national forecasters envisioned an economy that would begin growing again during the last half of the year and continue with substantial growth during 2002; and

WHEREAS, instead of growing, the economy officially went into recession in April 2001, according to the National Bureau of Economic Research, which recession continues; and

WHEREAS, as a result of the recession and its effects, Missouri and the other states in our nation are struggling through difficult economic times, as demonstrated by the fact that the National Association of State Budget Officers' reports that Fiscal Year 2002 budget shortfalls totaling approximately \$40 billion dollars exist in 40 states, the National Conference of State Legislatures reports that at least 37 states and the District of Columbia face potential budget gaps in Fiscal Year 2003, and at least 25 states other than Missouri are using budget reserves in response to budget shortfalls; and

WHEREAS, the Missouri unemployment rate increased to 5.3% in January of 2002 from 4.4% in April 2001, when the recession began, and over 67,500 more Missourians were unemployed in January 2002 than in April 2001, resulting in less tax revenue to the states and an increase in needs for state services among the unemployed and their families; and

WHEREAS, since the terrorist attacks of September 11, economic recovery has been slower and weaker than expected, thereby exacerbating the recession; and

WHEREAS, measures related to homeland security after the attacks of September 11 will cost state and local governments millions of dollars for programs not covered by federal funding; and

WHEREAS, the U.S. Congress passed H.R. 1836, The Economic Growth and Tax Relief Reconciliation Act of 2001, which will reduce Missouri revenue collections by \$21.1 million in Fiscal Year 2002 and by \$41.6 million in Fiscal Year 2003; and

WHEREAS, State revenue collections have failed to keep pace with consensus revenue estimates that are agreed upon by the Governor's office and members of the House of Representatives and the Senate, and on which budgets have been built to address programs required by state and federal legislation and to respond to the pressures of a growing and aging population, to wit:

- The Fiscal Year 2002 consensus revenue estimate is \$6,419.2 million, a total of \$520.8 million below the \$6,940 million on which the budget is based,
- The Fiscal Year 2002 consensus revenue estimate is \$36.3 million below those actually received in Fiscal Year 2001, a .6 percent decline,
- The Fiscal Year 2003 consensus revenue estimate is \$149.5 million over the Fiscal Year 2002 estimate, a relatively anemic 2.3 percent growth,
- The Fiscal Year 2003 consensus revenue estimate is \$371.3 million below the amount needed to support the budget approved for Fiscal Year 2002,
- In Fiscal Year 2003 the State of Missouri faced a total of \$332.9 million in mandatory cost increases for Medicaid (\$157.5 million), corrections (\$48.3 million), state employee health care (\$13.4 million), and other items; and

WHEREAS, \$536 million in budget cuts and withholdings in the Fiscal Year 2002 budget have eliminated or reduced funding throughout the budget, making additional cuts in the core budget very difficult, which cuts and withholdings include:

- Withholding \$200.3 million in state agency operating budget spending,
- Withholding \$140.7 million in capital improvements spending, mostly for constructing buildings on the campuses of the state's colleges and universities,
- Withholding \$82.5 million in spending from the tobacco settlement and redirecting that money to general revenue,
- Vetoes of \$26.5 million from the budget,
- Reducing tax credits by \$7.5 million,
- Redirecting \$48.5 million in unobligated tobacco settlement funds and intergovernmental transfers to general revenue purposes,
- Redirecting \$30 million in funds from other state accounts to general revenue; and

WHEREAS, in Fiscal Year 2003 the Governor has recommended \$480 million in general revenue core reductions; and

WHEREAS, these core reductions include elimination of entire programs and reductions of 25 percent or more for other programs; and

WHEREAS, failing to provide additional funds by utilizing the budget reserve fund will require eliminating additional programs critical to the health, safety, and welfare of Missouri's most vulnerable citizens, including children, the elderly, and people with physical and mental disabilities; and

WHEREAS, the very purpose of the budget reserve fund, commonly known as the rainy day fund, as approved by the votes of this State, is to provide funds that the State can use in a time of great need, whether that need is occasioned by natural disaster, an economic downturn, or other circumstances, so that the State of Missouri has the ability to weather an economic storm; and

WHEREAS, the Constitution requires that the Governor declare an emergency so that the General Assembly may appropriate funds from the Budget Reserve Fund.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Article III, section 27(a) of the Missouri Constitution and sections 44.010 to 44.130, RSMo, do hereby proclaim that an emergency exists in the State of Missouri as a result of the current economic conditions that prevail in the state of Missouri and the nation, which constitute a disaster of major proportions.

/s/ Bob Holden
Governor

ATTEST:

/s/ Matt Blunt
Secretary of State

WITHDRAWAL OF HOUSE BILLS

March 5, 2002

Speaker Jim Kreider
Speaker of the House
The State Capitol
Jefferson City, MO 65101

Dear Speaker Kreider:

I respectfully request that **HB 1958**, which specifies which inventory qualifies for repurchase from the retailer and which does not, be withdrawn.

Sincerely,

/s/ Representative Jim Whorton
Missouri House of Representatives
District 03

March 6, 2002

The Honorable Jim Kreider
Speaker of the House of Representatives
State Capitol, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker,

I respectfully request to withdraw **HB 1354**.

Your consideration to this matter is greatly appreciated.

Yours Truly,

/s/ David L. Reynolds
State Representative
77th District

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, March 7, 2002.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-second Day, Tuesday, March 5, 2002, pages 465 and 466, roll call, by showing Representative Jolly voting "aye" rather than "absent with leave".

Pages 467 and 468, roll call, by showing Representative Murphy voting "no" rather than "absent with leave".

Pages 467 and 468, roll call, by showing Representative Wagner voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - CORRECTIONS AND PUBLIC SAFETY

Thursday, March 7, 2002, 9:00 a.m. Hearing Room 6.

To be considered - Executive Session - HB 1108, Executive Session - HB 1109

APPROPRIATIONS - EDUCATION

Thursday, March 7, 2002. Hearing Room 1 upon adjournment.

Possible Executive Session. Continuation of mark-up.

To be considered - HB 1102, HB 1103

BANKS AND FINANCIAL INSTITUTIONS

Thursday, March 7, 2002, 9:45 a.m. Side gallery.

Continued Executive Session.

BUDGET

Thursday, March 7, 2002, 9:00 a.m. Hearing Room 3. AMENDED

To be considered - HB 1112

BUDGET

Thursday, March 7, 2002. Hearing Room 3 upon a.m. adjournment. AMENDED.

To be considered HB 1108

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, March 7, 2002, 9:30 a.m. Hearing Room 5.

To be considered - Executive Session - HB 2024

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

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.

JOINT COMMITTEE ON ECONOMIC DEVELOPMENT

Wednesday, March 13, 2002, 9:00 a.m. Hearing Room 1.

New Madrid Enterprise Zone.

Executive Session may follow.

JUDICIARY

Thursday, March 7, 2002, 9:15 a.m. Hearing Room 1.

To be considered - HB 2085, Executive Session - HB 1659, Executive Session- HB 1698,
Executive Session - HB 1715, Executive Session - HB 1766, Executive Session - HB 2085

HOUSE CALENDAR

THIRTY-FOURTH DAY, THURSDAY, MARCH 7, 2002

HOUSE BILLS FOR SECOND READING

HB 2112 through HB 2118

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 1115 - Green (73)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1877 - Foley
- 2 HB 1679 - Crump
- 3 HCS HB 1392 - Davis
- 4 HCS HB 1479 - Ladd Baker

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HB 1594, as amended - Gratz
- 2 HCS HB 1202, as amended - Smith
- 3 HCS HB 1069 - Bray
- 4 HCS HB 1403 - St. Onge

- 5 HCS HB 1817 - Franklin
- 6 HB 1592 - Hickey
- 7 HCS HB 1532 - Hoppe
- 8 HCS HB 1344 & 1944 - Crump

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 - Carnahan
- 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

(3-7-02)

- 1 HB 1548 - Barry
- 2 HB 1473 - Green (15)
- 3 HB 1781 - Green (73)
- 4 HB 1194 - Gambaro
- 5 HB 1518 - Luetkenhaus
- 6 HB 1568 - Luetkenhaus
- 7 HB 1409 - Campbell
- 8 HB 1600 - Treadway
- 9 HB 1840 - Seigfreid
- 10 HB 1504 - Liese
- 11 HB 1852 - Villa
- 12 HB 1755 - Merideth
- 13 HB 1643 - Holand

- 14 HB 1861 - Burcham
- 15 HB 1032 - Portwood
- 16 HB 1313 - Burton
- 17 HB 1862 - May (149)

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
- 6 HS HCS HB 1906, E.C. - Green (73)

HOUSE BILLS FOR THIRD READING - CONSENT

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

SENATE CONCURRENT RESOLUTION FOR SECOND READING

SCR 49

SENATE BILLS FOR SECOND READING

- 1 SB 976
- 2 SCS SB 1024

HOUSE RESOLUTION

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