

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

SIXTY-FOURTH DAY, FRIDAY, MAY 3, 2002

Speaker Kreider in the Chair.

Prayer by Damon Shelby Porter, Chief of Staff, Office of the Speaker.

Glory and honor to You. God have patience with us and let us be patient with one another. Lord help us to remember that the seeds we plant today may not even sprout during this session or even in our lifetime. Nevertheless, keep us faithful to that which You have called us to be and to do. Amen

The Pledge of Allegiance to the flag was recited.

SECOND READING OF SENATE JOINT RESOLUTION

SJR 24 was read the second time.

SECOND READING OF SENATE BILLS

SB 713, SS #2 SCS SB 1152 and SCS SB 1266 were read the second time.

On motion of Representative Kreider, the House recessed until 2:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Kreider.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SCS SB 1266 - Local Government and Related Matters

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 **HCR 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS HCR 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate third read and passed **HCR 16**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1032**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1078**, entitled:

An act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

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 refuses to concur in **HCS SCS SBs 1086 & 1126** and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SB 1248, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1265**, entitled:

An act to amend chapter 302, RSMo, by adding thereto one new section relating to registration with the Selective Service system, with an effective date.

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 HB 1313**, entitled:

An act to repeal section 334.540, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

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 **HB 1342**.

Emergency Clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1375**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1492**, entitled:

An act to repeal section 130.046, RSMo, relating to elections, 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 HB 1495**, entitled:

An act to repeal section 130.016, RSMo, relating to elections, 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 **HB 1519**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1636**, entitled:

An act to repeal section 115.507, RSMo, and to enact in lieu thereof one new section relating to election authority verification boards.

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 **HB 1668**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to adopt the **CCR on HCS for HB 1711, as amended**, and requests the House to grant the Senate further conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1776**, entitled:

An act to repeal sections 28.160 and 59.800, RSMo, and to enact in lieu thereof two new sections relating to certain state fund accounts.

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 HB 1783**, entitled:

An act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.292, 209.318, 202.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760 and 476.763, RSMo, and to enact in lieu thereof twenty new sections relating to the deaf and hard of hearing.

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 **HB 1822**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1840**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1921**, entitled:

An act to repeal sections 370.061 and 370.120, RSMo, and to enact in lieu thereof two new sections relating to credit unions.

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 **HB 1937**, entitled:

An act to repeal sections 324.147, 324.150 and 324.171, RSMo, and to enact in lieu thereof three new sections relating to the licensure of clinical perfusionists.

With Senate Committee Amendment No. 1.

Senate Committee Amendment No. 1

AMEND House Bill No. 1937, Page 1, Section 324.147, Line 8, by striking the word “unless” and inserting in lieu thereof the word “if”; and further amend line 9, by striking the word “has”.

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 **HB 2001**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2117**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 2120** and grants the House a Conference.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 2120**: Senators Gibbons, Gross, Yeckel, Goode and Kennedy.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS SCR 43**.

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, Missouri law requires parental consent of at least one parent in order for a minor to obtain an abortion, unless excused by a court; and

WHEREAS, Illinois law contains no such parental consent requirement; and

WHEREAS, as a result, Missouri resident minors may cross the state border to Illinois to access abortion providers in order to avoid state law; and

WHEREAS, Illinois abortion providers advertise in Missouri phone books that "no parental consent (is required) in Illinois", and by so doing, actively encourage the breaking of Missouri law and violation of parental rights over the welfare of their daughters:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby implore the General Assembly of the State of Illinois either to enact a law to require parental consent prior to allowing a minor to obtain an abortion or, if no such law is enacted, that the State of Illinois recognize Missouri law requiring parental consent prior to allowing a minor to obtain an abortion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to Governor George H. Ryan of Illinois and the President Pro Tempore James "Pate" Philip and Speaker of the House Michael Madigan for the State of Illinois.

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 third read and passed **SCR 66**.

SENATE CONCURRENT RESOLUTION NO. 66

An act by concurrent resolution to conduct a study of pathological or serious problem gambling and problem gambling in this state.

WHEREAS, gambling in its many forms is now an established aspect of life in this state; and

WHEREAS, gambling creates an unknown number of Missouri citizens that can be considered pathological or serious problem gamblers and problem gamblers; and

WHEREAS, pathological or serious problem gamblers and problem gamblers constitute an unknown cost to the state and its political subdivisions in terms of crime, bankruptcy, other bad debts, prosecution costs and social services costs; and

WHEREAS, pathological or serious problem gamblers and problem gamblers also negatively impact their families, their communities and the business community of this state; and

WHEREAS, a comprehensive legal and factual study is needed to determine the true impact of pathological or serious problem gamblers and problem gamblers in this state; and

WHEREAS, the universities of this state have the personnel with both the academic and professional expertise to conduct a comprehensive legal and factual study of pathological or serious problem gamblers and problem gamblers in this state:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby direct the joint committee on wagering and gaming ("committee") to solicit competitive bids from the universities of this state to conduct a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state; and

BE IT FURTHER RESOLVED that the General Assembly directs the committee to select the university that submits the best and lowest bid, with primary consideration given to the institution that best demonstrates the ability to answer the study questions outlined below and possesses the economists and social scientists with the highest academic and professional qualifications and demonstrates the greatest capability to deliver the best data in response to the study questions; and

BE IT FURTHER RESOLVED that the General Assembly directs that the selected university shall conduct a comprehensive study of the economic and social impact of pathological or serious problem gambling and problem gambling in this state. The study shall include a review of existing policies and practices with respect to the prevention and treatment of pathological or serious problem gambling and problem gambling and the formulation and proposal of necessary and appropriate changes in those policies and practices; and

BE IT FURTHER RESOLVED that the General Assembly directs all state agencies to cooperate with the selected university in any attempts to obtain information regarding any aspect or effect of pathological or serious problem gambling and problem gambling; and

BE IT FURTHER RESOLVED that the General Assembly directs the selected university to answer the following study questions:

(1) The economic impact of pathological or serious problem gambling on the economy of the state of Missouri, on Missouri businesses and on the political subdivisions of this state including, but not limited to:

(a) An assessment of the percentage of residents of this state that are pathological or serious problem gamblers; (b) The percentage of the Missouri population that are problem gamblers; and (c) A determination of how much money an individual pathological or serious problem gambler costs society each year in terms of crimes, bankruptcy, other bad debts, prosecution and incarceration costs and other social service costs; and the total amount of money lost annually by pathological or serious problem gamblers in this state;

(2) The economic impact of pathological or serious problem gambling on other businesses, including at least theft and decreased revenues resulting in part or in whole from the shifting of disposable income to gambling outlets and the decrease in general revenues to the state reflected in these decreased revenues;

(3) An assessment of the relationship between pathological or problem gambling and crime;

(4) An assessment of the impact of pathological or serious problem gambling on individuals, families, social institutions, criminal activity, and the economy;

(5) A review of the demographics of pathological or serious problem gamblers; and

(6) A review of the costs and effectiveness of state and federal gambling regulatory policy; and

BE IT FURTHER RESOLVED that the General Assembly directs the selected university to complete its study and submit its final report to the Governor and the General Assembly not later than January 31, 2004, which report shall contain a detailed statement of the findings and conclusions of the university with its recommendations for legislation and administrative actions as the university deems appropriate; and

BE IT FURTHER RESOLVED that the General Assembly directs that the director of the department within the university that supervises and administers the conduct of the study may hold hearings, administer oaths, take testimony, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of materials as the director considers advisable to carry out the purposes of the study and may employ and terminate additional staff as necessary to carry out the study; and

BE IT FURTHER RESOLVED that the General Assembly directs that any subpoena of the director shall be served in the manner provided for a subpoena issued by a circuit court pursuant to Missouri rules of civil procedure; and

BE IT FURTHER RESOLVED that upon the request of the director, the General Assembly directs the head of any state agency to furnish the director with the information considered necessary by the director to carry out the study; and

BE IT FURTHER RESOLVED that the General Assembly may appropriate up to two hundred thousand dollars to the selected university to fund the study; and

BE IT FURTHER RESOLVED that the General Assembly directs that any money appropriated to the selected university to carry out the study which remains unused as of January 1, 2005 shall be transferred and placed to the credit of the state general revenue fund pursuant to section 33.080, RSMo; and

BE IT FURTHER RESOLVED that a properly inscribed copy of this resolution be sent to the Governor for his approval or rejection pursuant to the Article III, Section 31 of the Missouri Constitution.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Green (73), Franklin, Bonner, Legan, Wilson (42), Bearden, Ransdall, Fares, Jetton, Quinn, Barnitz, Koller and Gratz.

ADJOURNMENT

On motion of Representative Kreider, the House adjourned until 2:00 p.m., Monday, May 6, 2002.

COMMITTEE MEETINGS

AGRICULTURE

Monday, May 6, 2002. Side gallery upon evening adjournment.
Executive Session.
Public Hearing to be held on: SB 837

BANKS AND FINANCIAL INSTITUTIONS

Monday, May 6, 2002. Hearing Room 3 upon adjournment.
Executive Session may follow.
Public Hearing to be held on: SB 1191

FISCAL REVIEW AND GOVERNMENT REFORM

Monday, May 6, 2002. Hearing Room 5 upon evening adjournment.
Fiscal Review.
Public Hearing to be held on: HB 1594, HB 1886, SB 675, SB 712, SB 810

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, May 7, 2002, 8:00 a.m. Capitol Building Room 221.

JUDICIARY

Tuesday, May 7, 2002, 1:00 p.m. Hearing Room 5.

Executive Session to be held on: SB 931

UTILITIES REGULATION

Monday, May 6, 2002, 1:00 p.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 900

HOUSE CALENDAR

SIXTY-FIFTH DAY, MONDAY, MAY 6, 2002

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1231 - Harding
- 2 HCS HB 1318 - George
- 3 HCS HB 1914 - Mays (50)
- 4 HCS HB 1680 - Hampton
- 5 HB 1708 - Daus
- 6 HB 1427 - Hosmer
- 7 HCS HB 1863 - Whorton
- 8 HCS HB 1923 - Barry
- 9 HB 1813 - Monaco
- 10 HB 1530 - Hoppe
- 11 HB 1721 - Shelton
- 12 HB 1211 - Smith
- 13 HB 1191 - Davis
- 14 HB 1198 - Graham
- 15 HB 1794, HCA 1 - Legan
- 16 HCS HB 1570 - Koller
- 17 HCS HB 1780 - Green (73)
- 18 HCS HB 1445 - Smith
- 19 HB 1663 - Seigfreid
- 20 HB 1596 - Harding
- 21 HB 1084 - Fraser
- 22 HCS HB 1321 & 1491 - Williams
- 23 HCS HB 1723 - Boucher
- 24 HB 1485 - Johnson (90)
- 25 HB 1439, HCA 1 - Myers
- 26 HB 1970 - Townley
- 27 HB 1052 - Ward
- 28 HCS HB 1725 - Walton
- 29 HB 1609 - Robirds
- 30 HCS HB 1828 - Cunningham

- 31 HCS HB 1407 - Riback Wilson (25)
- 32 HCS HB 1889 & 1946 - Foley
- 33 HCS HB 2065 - Ransdall
- 34 HCS HB 1077, 1187 & 1579 - Jolly
- 35 HCS HB 1599 - Lawson

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1069 - Bray
- 2 HCS HB 1479 - Ladd Baker
- 3 HB 2160, as amended - Britt
- 4 HCS HB 1576, HSA 1 for HA 1 and HA 1, as amended, pending - Hilgemann
- 5 HB 1916 - Franklin

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 HS HB 1594, (Fiscal Review 4-29-02) - Gratz
- 3 HCS HB 1886, (Fiscal Review 4-29-02) - Rizzo

SENATE CONCURRENT RESOLUTIONS FOR SECOND READING

- 1 SCS SCR 43
- 2 SCR 66

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 SCR 46, (3-12-02, Pages 570-571) (Dougherty) - Johnson (61)
- 2 SCR 37, (2-13-02, Pages 276-277) (Dougherty) - Johnson (61)
- 3 SCR 36, (3-12-02, Pages 567-568) (Bentley) - Davis
- 4 SCS SCR 47, (3-12-02, Pages 571-572) (Childers) - Gaskill
- 5 SCR 54, (4-3-02, Page 829) (Sims) - Fares

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 988, (Caskey) - Hartzler
- 2 SCS SB 729, (Yeckel) - Luetkenhaus
- 3 SB 812, (Russell) - Holand
- 4 SB 726, (Childers) - Gaskill
- 5 SB 865, (Foster) - Myers
- 6 SCS SB 918, (Klarich) - Linton

- 7 SB 1109, (Yeckel) - Portwood
- 8 SCS SB 1207, (Bentley) - Holand
- 9 SCS SB 1151, (Kinder) - Myers
- 10 SCS SB 874, (Bentley) - Franklin
- 11 SCS SB 1182, (Singleton) - Barry
- 12 SCS SB 1024, (Bentley) - Holand
- 13 SB 976, (Steelman) - Portwood
- 14 SB 644, (Mathewson) - Davis
- 15 SCS SB 1241, 1253 & 1189, (Coleman) - Boykins
- 16 SCS SB 966, (Kennedy) - Gambaro
- 17 SB 798, (Westfall) - Ross
- 18 SCS SB 745, (Russell) - Kelly (144)
- 19 SB 831, (Loudon) - Gambaro
- 20 SCS SB 656, (Rohrbach) - Luetkenhaus

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 970, 968, 921, 867, 868 & 738, (Westfall) - Koller
- 2 HCS SB 895, (Yeckel) - Liese
- 3 HCS SS SCS SB 675, E.C. (Fiscal Review 5-1-02)(Yeckel) - Seigfreid
- 4 SS SCS SB 884, (DePasco) - Liese
- 5 HCS SCS SB 810, (Fiscal Review 5-1-02)(Dougherty) - Ladd Baker
- 6 HCS SCS SB 712, E.C. (Singleton) (Fiscal Review 5-2-02) - O'Toole
- 7 HCS SS SCS SB 969, 673 & 855, E.C. (Westfall) - Smith
- 8 HCS SCS SB 1070, (Gibbons) - Hosmer
- 9 SCS SB 915, 710 & 907, (Westfall) - Koller
- 10 HCS SCS SB 894, 975 & 927, E.C. - O'Toole
- 11 HCS SS SCS SB 1009 - Luetkenhaus
- 12 HCS SB 856 - Rizzo

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HB 1849, E.C. - Barnitz
- 2 SCS HB 2022 - Richardson
- 3 SCS HB 2047 - Ransdall
- 4 SCS HB 1477 - Farnen
- 5 SCS HB 1635 - Hoppe
- 6 SCS HB 1964 - Gambaro
- 7 SCS HB 1548 - Barry
- 8 SCS HB 2009 - O'Connor
- 9 SCS HB 1078 - Whorton
- 10 SCS SB 1636 - Hoppe
- 11 SCS HB 1313 - Burton
- 12 HB 1937, SCA 1 - Barry
- 13 SCS HB 1776 - Harlan

- 14 SCS HB 1783 - Lowe
- 15 SCS HB 1921 - Green (73)
- 16 SCS HB 1492 - Seigfreid
- 17 SCS HB 1495 - Seigfreid
- 18 SCS HB 1265 - Gratz

BILLS CARRYING REQUEST MESSAGES

- 1 HCS HB 1711, as amended (Senate refuses to adopt CCR/
request House grant further conference) - Graham
- 2 HS HCS SS SB 1248, as amended (request House
recede/grant conference) - Foley
- 3 HCS SCS SB 1086 & 1126, (request House recede/grant
conference) - Hoppe

BILLS IN CONFERENCE

- 1 SCS HCS HB 1101 - Green (73)
- 2 SCS HCS HB 1102, as amended - Graham
- 3 SCS HCS HB 1103, as amended - Graham
- 4 SCS HCS HB 1104, as amended - Bray
- 5 SCS HCS HB 1105 - Bonner
- 6 SCS HCS HB 1106 - Ransdall
- 7 SCS HCS HB 1107, as amended - Ransdall
- 8 SCS HCS HB 1108 - Kelly (27)
- 9 SCS HCS HB 1109 - Kelly (27)
- 10 SCS HCS HB 1110 - Riback Wilson (25)
- 11 SCS HCS HB 1111, as amended - Troupe
- 12 SCS HCS HB 1112 - Bonner
- 13 SCS HB 2120 - Ridgeway