

JOURNAL OF THE HOUSE

VETO SESSION

Second Regular Session, 91st GENERAL ASSEMBLY

FIRST DAY, WEDNESDAY, SEPTEMBER 11, 2002

Speaker Kreider in the Chair.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 151

Abel	Baker	Ballard	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Brooks	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Daus	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Franklin	Fraser	Froelker	Gambara	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	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
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Skaggs	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 000

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PRESENT: 003

Lograsso Reynolds Wright

ABSENT WITH LEAVE: 005

Barnett Boykins Burcham Naeger Smith

VACANCIES: 004

On motion of Representative Crump, the House recessed until 1:15 p.m. to allow the House Members to attend the September 11th Remembrance Ceremony.

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

Prayer by Reverend Rudy Beard.

God of our Parents, we come before You with the memories that are ours, the troubling theme of terror in our land and in Your world. Yet gloom is not our mood. Defeat and despair are not the words for this hour.

Rather, in this hour of remembrance we are thankful, thankful for a strong nation. We are thankful for those who labor for our safety; all who wear the uniform of our nation, our state and our communities. We commend to Your Eternal care all those whose life was taken by terror and violence one year ago.

This day we ask Your blessings upon the Speaker and the men and women of this House. As these men and women fulfill their office, give them the grace of character; character that will lead them to speak and act in ways which honor our principles of Godliness, truth, justice and mercy.

And to You be glory and honor now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

SPEAKER ADDRESSES THE HOUSE

One year ago today, events a thousand miles away, would forever change the way we look at ourselves, the world we live in and everything we hold dear--our freedoms, our democracy, and our way of life.

A cowardly enemy, filled with evil, carried out the vilest act of terrorism ever committed on American soil--taking wives, husbands, parents, sons, daughters and even entire families from us.

I remember standing here last year wondering what it all meant, trying to understand how anyone could harbor so much hatred, but even more so wondering what the impact would be to the people of our great nation.

I'm sure all of you remember where you were on that fateful day. We were all here in a Special Session working to address issues important to our senior citizens, farmers and working families of this great state.

On that day the importance of those issues were dwarfed by the magnitude of those two jets crashing into the twin towers in New York and into the Pentagon and in Pennsylvania.

While we watched tragedy unfold before our very eyes, and felt the need to be at home with our loved ones, this body did something no other legislature in the country did.

It stood firm--our democracy would not waiver.

Even in the face of an unknown enemy, even in the shadow of an uncertain future, we carried out our duty as representatives of the people of the great state of Missouri, we put the people's interests first.

The Missouri House of Representatives decided to send a message--terrorism will never be rewarded in our democracy.

You rose to the challenge and passed a comprehensive prescription drug package keeping a commitment to our seniors, modifying the state's livestock price discrimination law and approving **another** tax cut for working families.

At the time it was impossible to know if our choice to stay was the correct one, but today it is obvious it was the right thing to do. And I can truly say I have never been more proud to be a member of the Missouri House of Representatives.

Some think that we, as Americans, should spend this September 11th--a day of remembrance--in the company of family and friends. But here we are again, in this chamber going about the people's business.

I consider myself among family and friends this afternoon. We have faced many trials and challenges together, including the uncertainty we all shared one year ago today.

I am proud of this nation, I am proud of our great state and I am proud of this institution. We have a lot to be proud of, a nation that has become even more united in the face of adversity.

The strength and resolve of the American spirit has shined through every moment of every day brighter than ever.

Now, ethnic, cultural and political differences no longer matter--all that matters is that we are all Americans united.

And, as Americans we will ensure that those 3,241 Patriots did not die in vain.

May God bless all of you, and may God bless America.

RESOLUTION

Representative Crump offered **House Resolution No. 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2002 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Crump, Rule 63 was suspended and **House Resolution No. 1** was adopted by the following vote:

AYES: 132

Abel	Ballard	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Bowman
Bray 84	Brooks	Burton	Byrd	Carnahan
Champion	Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Enz	Fares	Farnen

Fraser	Froelker	Gambaro	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Hendrickson	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Lawson
Legan	Liese	Linton	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	O'Connor	O'Toole
Overschmidt	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Richardson	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Villa	Wagner	Walker
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 005

Cierpiot	Henderson	Hohulin	Lograsso	Ridgeway
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PRESENT: 000

ABSENT WITH LEAVE: 022

Baker	Barnett	Boucher	Boykins	Burcham
Campbell	Dolan	Franklin	Gaskill	Hosmer
Jones	Long	McKenna	Nordwald	Ostmann
Paone	Reynolds	Smith	Van Zandt	Vogel
Walton	Whorton			

VACANCIES: 004

MESSAGES FROM THE GOVERNOR

EXECUTIVE OFFICE

State of Missouri
Jefferson City, MO 65101

June 26, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1108** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Section 8.170

I hereby veto \$84,550 federal funds for the Missouri State Water Patrol for a new lieutenant colonel position. Adding a position from federal funds would result in fewer federal funds being available for ongoing, operating expenses. Given the scarcity of general revenue funds statewide—and the critical importance of maintaining Water Patrol operations—such a redirection of federal funds would be unwise at this time.

Personal Service by \$84,550 from \$281,949 to \$197,399
From \$1,718,677 to \$1,634,127 in total from Federal Funds
From \$6,421,940 to \$6,337,390 in total for the section.

On June 26, 2002, I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1108**, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Bob Holden
Governor

June 26, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1111** entitled.

"AN ACT"

To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Section 11.085

I hereby veto \$62,353 general revenue and \$28,673 federal funds for two supervisors and associated expense and equipment related to presumptive eligibility. These positions are not necessary to the program and were not recommended in the Executive Budget.

Personal Service by \$47,462 from \$11,043,984 to \$10,996,522 from General Revenue Fund.
Expense and Equipment by \$14,891 from \$4,580,152 to \$4,565,261 from General Revenue Fund.
From \$15,624,136 to \$15,561,783 in total from General Revenue.
Personal Service by \$21,826 from \$28,645,833 to \$28,624,007 from Federal Funds.

Expense and Equipment by \$6,847 from \$9,230,888 to \$9,224,041 from Federal Funds.
From \$37,876,721 to \$37,848,048 in total from Federal Funds.
From \$164,342,136 to \$164,251,110 in total for the section.

On June 26, 2002, I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1111**, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Bob Holden
Governor

June 26, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1112** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Section 12.005

I hereby veto \$181,815 for the Governor's Office. This veto is necessary to correct a bill drafting error.

Personal Service and/or Expense and Equipment by \$181,815 from \$2,185,981 to \$2,004,166.

On June 26, 2002, I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1112**, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Bob Holden
Governor

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 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.

I disapprove of **Senate Committee Substitute for House Bill No. 1495**. My reasons for disapproval are as follows:

This bill attempts to raise the single contributor limit within section 130.016, RSMo, to reflect the current contribution limits allowed under section 130.032, RSMo. The bill does not, however, consistently raise the limits. Rather, they are raised from \$250.00 to \$300.00 in some sentences and not raised at all in others. In addition, the bill does not amend other current sections of law that suggest that the single contributor limit is still \$250.00. I have been advised by the Missouri Ethics Commission that these technical inconsistencies will make it impossible to effectuate the General Assembly's intent in passing the bill. I am compelled, therefore, to veto this bill on technical grounds.

For all of the above-stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 1495** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Substitute for House Bill No. 1748**, entitled:

"AN ACT"

To repeal sections 247.030, 247.031, 247.040, 247.217, 247.220, 393.705, 393.847, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof twenty-one new sections relating to water resources.

I disapprove of **Conference Committee Substitute for Senate Substitute for House Bill No. 1748**. My reasons for disapproval are as follows:

This bill is similar but not identical to Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills 984 and 985 (hereinafter SB 984), which was also approved by the General Assembly during the 2002 session and signed into law on July 11, 2002.

One provision in both bills is section 640.825, which addresses the burden of proof in appeals from decisions of the Department of Natural Resources (hereinafter DNR) and the various commissions housed in that department. This section in both bills places the burden of proof in appeals from certain decisions made by DNR and its commissions on DNR or the commission. This section also places the burden of proof on an applicant who appeals a denial of a permit, license, or registration. The bills differ, however, in that this bill contains a clause within section 640.825 that SB 984 does not contain, which clause mandates that when a third party appeals the issuance of a permit, license, or registration, or any term or condition thereof, the burden of proof is on that third party.

This clause places an undue burden on the participating public when it appeals the terms and conditions of a permit because it treats the third party appellant differently than the applicant appellant. An applicant who appeals DNR's decision or a term or condition thereof does not carry the burden of proof, whereas a third party appealing such a decision does bear the burden. This change in policy may have the effect of discouraging the public participation that benefits our environment by ensuring that the decisions of DNR are submitted to public scrutiny. In sum, I disagree that the third party participants should be placed at such a disadvantage relative to other appellants.

For all of the above-stated reasons for disapproval, I am returning **Conference Committee Substitute for Senate Substitute for House Bill No. 1748** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 1789**, entitled:

"AN ACT"

To repeal sections 301.129, 301.131 and 301.453, RSMo, relating to special license plates, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

I disapprove of **Senate Committee Substitute for House Bill No. 1789**. My reasons for disapproval are as follows:

This bill amends section 301.129, RSMo, in an effort to reestablish an advisory committee for the Department of Revenue to develop designs for a future re-issuance of Missouri's license plates. Considering the current difficult fiscal environment, I do not believe it is appropriate to anticipate a re-issuance of license plates. The last re-issuance of license plates was done recently, in 1997. Cost estimates of a future re-issuance, furthermore, suggest that it would cost in excess of \$15 million to replace Missouri license plates. Missouri citizens must be assured that state resources are being expended on our state's top priorities such as education, health care, safe roads and bridges, and essential services. By vetoing

this bill, almost every other provision of which is contained in either Senate Bill No. 798 or House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1093, both of which were passed by the General Assembly during the 2002 legislative session and signed into law on July 3, 2002, we give the citizens of this state that assurance.

For all of the above-stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 1789** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

HOUSE BILLS VETOED FROM THE SECOND REGULAR SESSION

Speaker Kreider read the following House Bills vetoed from the Second Regular Session: **CCS SCS HCS HB 1108, CCS SCS HCS HB 1111, CCS SCS HCS HB 1112, SCS HB 1495, CCS SS HB 1748 and SCS HB 1789.**

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 **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SR 3**.

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of House Committee Substitute for Senate Bill No. 961; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1070; House Committee Substitute for Senate Bill No. 749 and House Committee Substitute for Senate Committee Substitute for Senate Bill No. 980 when the bills were so called by the President.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, September 12, 2002.