

JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

TWENTIETH DAY, WEDNESDAY, FEBRUARY 12, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, our Shelter and Strength, it is written, "I will instruct you in the way which you should go, I will counsel you", even so instruct and counsel us in the way we should go throughout this day.

We receive our provision of wisdom and ability for this day and openly acknowledge our desire and express our request that You overflow our lives with Your understanding that we might come to favored solutions.

As always, we pray for our families that You may watch between us and them while we are absent from one another. May they prosper in all they do.

Now, may the grace of our Lord, and the love of God be with us all.

In the name of Your Son we pray. 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: Samantha Hill, Tabitha Hill, Clayton Hill, Jackson Hill, Tony Blankenship, Lindsey Hoerath, Brenna Kretzer, Josh Bird, Drielle Cole and Krystal White.

The Journal of the nineteenth day was approved as corrected by the following vote:

AYES: 156

Abel	Adams	Angst	Avery	Baker
Barnitz	Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough	Boykins
Bringer	Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Ice	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	King	Kingery	Kratky

Kuessner	Lager	Lembke	LeVota	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meiners	Merideth	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Quinn	Ransdall	Rector
Richard	Roark	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Crawford	Kelly 144	Lawson	Purgason	Reinhart
Ruestman	Wagner			

HOUSE CONCURRENT RESOLUTION

Representative Bivins, et al, offered House Concurrent Resolution No. 16.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 332

through

House Resolution No. 334 - Representative Crowell

House Resolution No. 335

through

House Resolution No. 337 - Representative Lipke

House Resolution No. 338 - Representative Myers

House Resolution No. 339 - Representative Schaaf

House Resolution No. 340 - Representative Byrd

House Resolution No. 341

through

House Resolution No. 354 - Representative Hobbs

House Resolution No. 355 - Representatives Richard and Jackson

House Resolution No. 356

and

House Resolution No. 357 - Representative Parker

House Resolution No. 358 - Representatives Walsh and Vogt

House Resolution No. 359 - Representative Bringer
House Resolution No. 360 - Representative Schoemehl

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 15, introduced by Representative Behnen, et al, relating to the designation of March 6th as Lymphedema D-Day in Missouri.

INTRODUCTION OF HOUSE BILLS

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

HB 451, introduced by Representatives Byrd, Jetton, Crowell, Moore, Munzlinger and Schaaf, et al, relating to the state employees' protection act.

HB 452, introduced by Representative Portwood, relating to architects.

HB 453, introduced by Representative Myers, relating to employment security.

HB 454, introduced by Representative Smith (118), relating to office space for public defenders.

HB 455, introduced by Representatives Thompson, Johnson (61), Bland, Hoskins, El-Amin, Selby, Hanaway and Hubbard, et al, relating to health insurance.

HB 456, introduced by Representatives Haywood, Jones, Davis (122), Hampton, Johnson (90), Villa and Bland, et al, relating to transportation department employees' and highway patrol retirement system.

HB 457, introduced by Representatives Shoemyer (9) and Whorton, et al, relating to the seed availability and competition act.

HB 458, introduced by Representative Riback Wilson (25), relating solely to the creation of an earned income tax credit.

SECOND READING OF HOUSE BILLS

HB 437 through **HB 450** were read the second time.

PERFECTION OF HOUSE BILL

HCS HBs 122 & 80, relating to the mass transportation system sales tax, was taken up by Representative Johnson (47).

Speaker Pro Tem Jetton assumed the Chair.

On motion of Representative Johnson (47), **HCS HBs 122 & 80** was adopted.

On motion of Representative Johnson (47), **HCS HBs 122 & 80** was ordered perfected and printed.

PERFECTION OF HOUSE BILL - FEDERAL MANDATE

HB 74, relating to unemployment for Indian tribes, was taken up by Representative St. Onge.

On motion of Representative St. Onge, **HB 74** was ordered perfected and printed.

Speaker Hanaway resumed the Chair.

PERFECTION OF HOUSE BILL

Representative Crowell moved that Rule 39(a) be suspended in order for the House to take up and perfect **HB 401**.

Which motion was adopted by the following vote:

AYES: 159

Abel	Adams	Angst	Avery	Baker
Barnitz	Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough	Boykins
Bringer	Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Icet	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer	Marsh
May	Mayer	McKenna	Meiners	Merideth
Miller	Moore	Morris	Muckler	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Rector	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Vogt	Walker	Wallace

Walsh	Walton	Ward	Wasson	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright	Yaeger
Yates	Young	Zweifel	Madam Speaker	

NOES: 001

Graham

PRESENT: 000

ABSENT WITH LEAVE: 003

Lawson	Reinhart	Wagner
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HB 401, relating to tobacco securitization, was taken up by Representative Pratt.

Representative Campbell offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 401, Page 3, Section 8.550, Line 65, by deleting the words “one hundred [seventy-five]” and inserting in lieu thereof the words “[one hundred seventy-five] **two hundred sixty-three**”; and

Further amend said bill, Page 3, Section 8.550, Line 67, by deleting the words “three hundred” and inserting in lieu thereof the words “**one hundred thirty-seven**”.

Representative Campbell moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Curls	Darrough	Daus
Davis 122	Donnelly	Dougherty	El-Amin	Fraser
George	Graham	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hoskins	Hubbard
Johnson 61	Johnson 90	Jolly	Jones	Kelly 36
Kratky	Kuessner	LeVota	Liese	Lowe
McKenna	Meiners	Merideth	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Spreng	Thompson
Villa	Vogt	Walker	Walsh	Walton
Ward	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	

NOES: 090

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	Emery

Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Iceet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Richard	Roark	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Whorton	Wilson 119
Wilson 130	Wood	Wright	Yates	Madam Speaker

PRESENT: 000

ABSENT WITH LEAVE: 004

Hilgemann	Lawson	Reinhart	Wagner
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Representative Abel offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 401, Page 3, Section 8.550, Line 67, by deleting the word “three” and inserting in lieu thereof the word “**one**”.

Representative Abel moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Curls	Darrough	Daus
Davis 122	Donnelly	Dougherty	El-Amin	Fraser
George	Graham	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hoskins
Hubbard	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	Kratky	Kuessner	LeVota	Liese
Lowe	McKenna	Meiners	Merideth	Muckler
Page	Ransdall	Sager	Salva	Schoemehl
Seigfreid	Selby	Shoemyer	Skaggs	Spreng
Thompson	Villa	Vogt	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

NOES: 089

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	Emery

Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Richard	Roark	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 003

Lawson	Reinhart	Wagner
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Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	Emery
Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Richard	Roark	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

NOES: 071

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Curls	Darrough	Daus
Davis 122	Donnelly	Dougherty	El-Amin	Fraser
George	Graham	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hoskins
Hubbard	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	Kratky	Kuessner	LeVota	Liese
Lowe	McKenna	Meiners	Merideth	Muckler
Page	Ransdall	Sager	Salva	Schoemehl

Seigfreid	Selby	Shoemyer	Skaggs	Spreng
Thompson	Villa	Vogt	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 003

Lawson	Reinhart	Wagner
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On motion of Representative Pratt, **HB 401** was ordered perfected and printed by the following vote:

AYES: 088

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	Emery
Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	LeVota	Lipke	Luetkemeyer
Marsh	May	Mayer	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Richard	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	Smith 14	St. Onge	Stefanick
Sutherland	Taylor	Threlkeld	Viebrock	Wallace
Wasson	Wilson 119	Wilson 130	Wood	Wright
Yates	Young	Madam Speaker		

NOES: 072

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Curls	Darrough	Daus
Davis 122	Donnelly	Dougherty	El-Amin	Fraser
George	Graham	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hoskins
Hubbard	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	Kratky	Kuessner	Liese	Lowe
McKenna	Meiners	Merideth	Muckler	Page
Ransdall	Roark	Sager	Salva	Schoemehl
Seigfreid	Selby	Shoemyer	Skaggs	Spreng
Stevenson	Thompson	Townley	Villa	Vogt
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Yaeger	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 003

Lawson

Reinhart

Wagner

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 288 - Budget (Fiscal Note)

COMMITTEE REPORTS

Committee on Education, Chairman Cunningham (86) reporting:

Madam Speaker: Your Committee on Education, to which was referred **HB 132, HB 173, HB 117** and **HB 48**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Financial Services, Chairman Luetkemeyer reporting:

Madam Speaker: Your Committee on Financial Services, to which was referred **HB 73**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Job Creation and Economic Development, Chairman Dempsey reporting:

Madam Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 228**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Tax Policy, Chairman Cooper reporting:

Madam Speaker: Your Committee on Tax Policy, to which was referred **HB 263**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Workforce Development and Workplace Safety, Chairman Hunter reporting:

Madam Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 321**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

The following member's presence was noted: Wagner.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, February 13, 2003.

CORRECTIONS TO THE HOUSE JOURNAL

I, State Representative Schoemehl, District 100, hereby state and affirm that my vote as recorded on page 313 of the House Journal for February 11, 2003 showing that I voted no was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted yes. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of February 2003.

/s/ Sue Schoemehl
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12 day of February in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Brown, District 30, hereby state and affirm that my vote as recorded on page 313 of the House Journal for February 11, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of February 2003.

/s/ Jason Brown
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this February 12 day of February in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, February 13, 2003. Hearing Room 7 upon morning adjournment.
Mark-up: Public Debt, Department of Revenue, Office of Administration,
Elected Officials, Judiciary, Public Defender, etc.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 13, 2003, 8:15 a.m. Hearing Room 3.
Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 13, 2003. Hearing Room 3 upon morning adjournment.
Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 17, 2003, 9:00 a.m. Hearing Room 3.
Mark-up. Department of Health and Senior Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 18, 2003, 8:00 a.m. Hearing Room 3.
Mark-up. Department of Mental Health.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 18, 2003, 2:30 p.m. Hearing Room 3.
Mark-up. Department of Mental Health.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 19, 2003, 8:00 a.m. Hearing Room 3.
Public testimony. Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 19, 2003, 2:30 p.m. Hearing Room 3.
Public testimony. Department of Social Services.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Monday, February 17, 2003, 12:00 noon. Hearing Room 6.
Mark-up. Public Safety and Corrections.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 13, 2003. Hearing Room 6 upon morning adjournment of
both Chambers.

LOCAL GOVERNMENT

Thursday, February 13, 2003, 8:30 a.m. Hearing Room 6. AMENDED NOTICE
Executive Session may follow.

Public Hearing to be held on: HB 267, HB 268, HB 292, HB 294

RETIREMENT

Thursday, February 13, 2003, 8:30 a.m. Hearing Room 7.

Public Hearing to be held on: HB 346

TOURISM AND CULTURAL AFFAIRS

Thursday, February 13, 2003, 9:00 a.m. House Lounge.

Joint meeting with Senate Economic Development,
Tourism and Local Government Committee.

HOUSE CALENDAR

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 13, 2003

HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 15

HOUSE BILLS FOR SECOND READING

HB 451 through HB 458

HOUSE BILLS FOR PERFECTION

HCS HB 73 - Luetkemeyer

HCS HB 228 - Pearce

HOUSE BILLS FOR THIRD READING

HCS HB 122 & 80 - Johnson (47)

HCS HB 288 - Jetton (Budget 2-12-03)

HB 401, E.C. - Pratt

HOUSE BILL FOR THIRD READING - FEDERAL MANDATE

HB 74, E.C. - St. Onge