

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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THIRTY-FIFTH DAY, TUESDAY, MARCH 11, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, Holy and Exalted One, it is written: "Your mercy, O Lord extends to the Heavens, Your faithfulness reaches to the skies" so may Your mercy and faithfulness extend towards us as we begin this day.

Today is a good day. We are convinced of Your ability to make us people of large purpose, genuine significance, and fruitful destiny. We are stretched as we move forward in Your wisdom.

We commit our way to You Lord, trusting You, asking that You use us to accomplish Your plan.

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: Kristi Woodson, Natalie Anderson, Joshua Boyer, Jennifer Lynn Calahan, Heather LeeAnn Calahan, Rachel Michelle Duker, Andrea Linder, Sean Harper, Haley Phillips, Nils Johnson, Jacqueline Lyons, Mitchell Roling, Sara Reck, Curt Hayward, Debbie DeGregorio, Mallory Glosier, Kathryn Cooke, Melondy Hall, Melissa Banning, Anna Ruth Struthman, Bridget Renee Barnes, Lindsey Claire Kirchhoff, Gabriel Jones, Stephanie Huett, Aaron Woods, Jason Woods, Joe Mabrey, Torreon Perkins, Charles Bocclair, Jordon Taylor, Jordan Adrian, Melissa Montgomery, Kelsey Kinderknecht, Lily Smith and Marissa Stewart.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 771 - Representative Bough

House Resolution No. 772

and

House Resolution No. 773 - Representative May

House Resolution No. 774 - Representative Liese

House Resolution No. 775 - Representative Seigfreid

House Resolution No. 776

through

House Resolution No. 783 - Representative Hanaway

House Resolution No. 784 - Representative Mayer

### **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

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

**HJR 22**, introduced by Representative Green, relating to powers and duties of the state highways and transportation commission.

**HJR 23**, introduced by Representatives Quinn, Bearden, Moore, Wallace, Cunningham (86), Yates, Sander, Kuessner, Emery, Rupp and Lawson, et al, relating to funding for education.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 640**, introduced by Representatives Walton, Sanders Brooks, El-Amin, Bland, Boykins, Jetton, Hubbard and Haywood, et al, relating to Emancipation Day.

**HB 641**, introduced by Representatives Bean, Mayer, Deeken, Jetton and Myers, relating to fiscal notes of proposed measures.

**HB 642**, introduced by Representatives Bean, Merideth and Myers, relating to employment security.

**HB 643**, introduced by Representatives Lowe, LeVota, Burnett, Zweifel, George, Johnson (90) and Walsh, et al, relating to workers' compensation benefits.

### **SECOND READING OF HOUSE BILLS**

**HB 632** through **HB 639** were read the second time.

### **SECOND READING OF SENATE BILLS**

**SCS #2 SB 224, SCS SB 238, SB 250, SCS SB 269, SCS SB 281, SCS SB 303, SCS SB 308, SB 317 and SCS SB 391** were read the second time.

### **PERFECTION OF HOUSE BILL**

**HCS HB 228**, relating to unsolicited commercial e-mail, was taken up by Representative Pearce.

Representative Pearce offered **HS HCS HB 228**.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 228, Section 407.1147, Page 7, Line 7, by deleting the words “without limitation,”; and

Further amend said section, Page 7, Line 8, by inserting after the word “violation” the following:

**“, not to exceed twenty-five thousand dollars per day,”; and**

Further amend said section, Page 7, Lines 8 and 9, by deleting the words “and additional relief”; and

Further amend said bill, said section, Page 8, Lines 13-17, by deleting said lines and inserting in lieu thereof the following:

**“6. No electronic mail service provider shall be liable for violations of sections 407.1138 or 407.1144 due to the fact that the provider:**

**(1) Is an intermediary between the sender and recipient in the transmission of commercial electronic mail that violates sections 407.1138 and 407.1144; or**

**(2) Provides transmission of unsolicited commercial electronic mail over the provider’s computer network or facilities; or**

**(3) Takes any voluntary action in good faith to block the receipt or transmission through its service of any electronic mail messages that it believes is, or will be, sent in violation of sections 407.1135 to 407.1147, so long as the provider promptly notified the attorney general of any commercial electronic mail message that it believes are being sent in violation of such sections.”.**

On motion of Representative Willoughby, **House Amendment No. 1** was adopted.

Representative Seigfreid offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 228, Page 8, Section 407.1147, Line 17, by adding after said line:

**“This shall in no way prohibit the department of conservation from using electronic mail to correspond with a person whose vehicle collides with a deer”.**

Representative Yates raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

**House Amendment No. 2** was withdrawn.

Speaker Pro Tem Jetton assumed the Chair.

Representative Johnson (90) offered **House Amendment No. 3.**

Representative Yates raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Harris (23) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 228, Page 7, Section 407.1147, Line 22, by deleting the word “to” and insert in lieu thereof the word “**which**”.

Representative Purgason assumed the Chair.

Speaker Pro Tem Jetton resumed the Chair.

Representative Harris (23) moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 066

Abel	Barnitz	Bishop	Bland	Bringer
Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	El-Amin	Fraser	George	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	Muckler
Page	Ransdall	Sager	Salva	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

NOES: 092

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Ervin	Fares	Goodman	Graham	Guest
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Merideth	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach

Schneider	Seigfreid	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: 001

Hilgemann

ABSENT WITH LEAVE: 004

Adams	Boykins	Deeken	Lawson
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**HCS HB 228, with HS, as amended, pending,** was laid over.

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

### **AFTERNOON SESSION**

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Chadlee Summers, Bradlee Summers, Ashley Fausett and Rebecca Fausett.

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Zweifel, et al, offered House Concurrent Resolution No. 25.

Representative Shoemyer (9) offered House Concurrent Resolution No. 26.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 785 - Representative Wilson (42)

House Resolution No. 786 - Representative Viebrock

House Resolution No. 787 - Representative Lager

House Resolution No. 788 - Representative Whorton

House Resolution No. 789

through

House Resolution No. 791 - Representative Cunningham (145)

House Resolution No. 792 - Representative Wasson

House Resolution No. 793 - Representative Byrd

House Resolution No. 794

through

House Resolution No. 804 - Representative Hobbs

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 644**, introduced by Representatives Walker, Villa and Lowe, relating to the use of marijuana for medicinal purposes.

**HB 645**, introduced by Representatives Ruestman, Schaaf and Stevenson, et al, relating to licenses for psychologists.

**HB 646**, introduced by Representatives Ruestman, Hunter, Richard, Schaaf and Stevenson, et al, relating to physical therapists and physical therapist assistants.

**HB 647**, introduced by Representatives Icet, Davis (19), Rupp, Sutherland, Bringer, Schoemehl, Reinhart, Moore, Behnen, Harris (110) and Muckler, et al, relating to tax credits for contributions to pregnancy resource centers.

**HB 648**, introduced by Representatives Wallace, Purgason, Hampton, Davis (122), Bough, Myers, Bean and Taylor, et al, relating to transfers from the incidental fund for a certain school district.

**HB 649**, introduced by Representative Skaggs, relating to public retirement systems.

**HB 650**, introduced by Representative Skaggs, relating to public retirement systems.

**HB 651**, introduced by Representative Schaaf, relating to neighborhood improvement district maintenance levies.

**HB 652**, introduced by Representatives Bearden, Lager, Lembke, Nieves, Behnen, Sander, Sutherland, Wood, Dixon, Icet, Bruns, Stefanick, Viebrock, Ervin, Baker, Goodman, Hobbs, Brown and Wright, et al, relating to performance-based budgeting.

## **PERFECTION OF HOUSE BILL**

**HCS HB 228, with HS, as amended, pending**, relating to unsolicited commercial e-mail, was again taken up by Representative Pearce.

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

### *House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 228, Page 7, Section 407.1144, Line 3, by inserting after all of said line the following:

**“3. It shall be a violation of this section for any person that sends an unsolicited commercial electronic mail message that contains adult material or references a website that contains adult material to fail to use the exact characters “xxx:” as the first four characters in the subject line of the unsolicited commercial electronic mail message that contains adult material.”; and**

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

On motion of Representative Sager, **House Amendment No. 5** was adopted by the following vote:

AYES: 138

Abel	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	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Graham	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Iceet	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 144	Kelly 36	Kratky	Kuessner
Lager	Lembke	LeVota	Liese	Lipke
Lowe	Marsh	Mayer	McKenna	Meiners
Merideth	Miller	Moore	Morris	Muckler
Munzlinger	Nieves	Page	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Roark	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 14	Spreng	Stefanick	Stevenson
Sutherland	Thompson	Threlkeld	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Willoughby	Wilson 130	Wilson 25
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 019

Crowell	Goodman	Guest	Hunter	King
Kingery	Luetkemeyer	May	Myers	Parker
Richard	Ruestman	St. Onge	Taylor	Townley
Viebrock	Wallace	Wasson	Wilson 119	

PRESENT: 000

ABSENT WITH LEAVE: 006

Adams	Deeken	Lawson	Schneider	Smith 118
Wilson 42				

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

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 228, Page 5, Section 407.1141, Line 11, by deleting the word “child”; and

Line 21, by deleting the word “child”; and

Line 24, by deleting the word “child”; and

Page 6, Line 1, by deleting the word “child”; and

Line 4, by deleting the word “child”; and

Further amend title, enacting clause and intersectional references accordingly.

On motion of Representative Henke, **House Amendment No. 6** was adopted by the following vote:

AYES: 157

Abel	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	Curls	Darrough
Daus	Davis 122	Davis 19	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
Ice	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	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Skaggs	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	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: 001

Cunningham 86

ABSENT WITH LEAVE: 005

Adams	Deeken	Graham	Lawson	Smith 118
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On motion of Representative Pearce, **HS HCS HB 228, as amended**, was adopted.



On motion of Representative Pearce, **HS HCS HB 228, as amended**, was ordered perfected and printed.

**HB 197**, relating to tax credits for distressed communities, was taken up by Representative Johnson (47).

Representative Johnson (47) offered **HS HB 197**.

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

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 197, Page 24, Section 135.530, Line 1, by deleting the words [two thousand]; and

Further amend Line 2 of Page 24, Section 135.530, by deleting the word [seventy] and inserting in lieu thereof **“seventy-five”**; and

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

On motion of Representative Bringer, **House Amendment No. 1** was adopted.

Representative Johnson (47) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 197, Page 12, Section 135.478, Lines 19 and 20 of said pages, by deleting all of said lines and inserting in lieu thereof the following:

"for property acquisition, development, site preparation [other than demolition], surveys, architectural and engineering services"; and

Further amend said bill, Page 13, Section 135.478, Line 5 of said page, by inserting immediately after the word "residence" the following: **"or structure"**; and

Further amend said bill, Page 17, Section 135.481, Line 7 of said page, by deleting the word "and" and inserting in lieu thereof the following: **"[and] or"**; and

Further amend said bill, Page 17, Section 135.481, Lines 9 to 14 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"redevelopment district, **or for condominium use**, established after January 1, 2000, and before December 31, [2001] **2003**, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, [and] **which** is under way by January 1, [2000] **2002**, and completed by January 1, [2002] **2003**."; and

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

On motion of Representative Johnson (47), **House Amendment No. 2** was adopted.

Representative Merideth offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 197, Page 24, Section 135.530, Line 10, by inserting after said line the following:

“[620.1400. Sections 620.1400 to 620.1460 shall be known and may be cited as the "Missouri Individual Training Account Program Act" and its provisions shall be effective only within distressed communities as defined by section 135.530, RSMo.]

[620.1410. There is hereby established an "Individual Training Account Program" within the department of economic development. Job training and retraining activities conducted pursuant to the provisions of sections 620.1400 to 620.1460 shall be directed to employee advancement, where jobs are linked to training before the training commences, and shall emphasize upgrade training where current or potential employers, by means of educational programs, provide existing employees with training for higher skilled positions. Job training activities provided pursuant to the provisions of the individual training account program shall attempt to prepare employed workers, including those with obsolete or inadequate job skills, for positions that remain unfilled or that may be created by current or potential employers.]

[620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

(1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;

(2) "Department", the department of economic development;

(3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of the federal poverty level;

(4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;

(5) "Individual training account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees through their participation in classroom training provided by educational institutions;

(6) "Local educational institution", a publicly funded or privately funded local educational institution which is certified by a recognized accrediting association as capable of providing adequate classroom training to accomplish the purpose of sections 620.1400 to 620.1460.]

[620.1430. 1. A Missouri employer who desires to participate in the individual training account program shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees whom the employer has selected to be trained, whether or not the employees are currently working for the employer, the name of the local educational institution that will provide the training, and a brief description of the training to be given by the institution.

2. The employer shall have complete discretion in the selection of the local educational institution or institutions to provide training and shall be responsible for the payment of the costs of classroom training.]

[620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the individual training account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee which can be certified by the department of economic development shall be the lesser of fifty percent of the costs of classroom training or one thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years and may be sold or transferred.

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee has successfully completed the employee's course training and has been employed by the employer in a new, full-time position for a period of at least three months. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously

employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position.]

[620.1450. The maximum amount of tax credits allowable pursuant to the provisions of the individual training account program shall not annually exceed six million dollars.]

[620.1460. The department of economic development may promulgate necessary rules and regulations to carry out the provisions of sections 620.1400 to 620.1460. No rule or portion of a rule promulgated pursuant to the authority of sections 620.1400 to 620.1460 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]; and

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

Representative Merideth moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Harris (23) offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Bill No. 197, by inserting in the appropriate location the following:

**"135.211. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone which shall have boundaries that are the same as any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants located in any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants. Such enterprise zone designation shall only be made if the area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and**

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

On motion of Representative Harris (23), **House Amendment No. 4** was adopted.

Representative El-Amin requested a division of the question on **HS HB 197, as amended.**

Representative Young offered **House Amendment No. 1 to Part I.**

*House Amendment No. 1*

AMEND Part I of House Substitute for House Bill No. 197, Page 11, Section 135.208, Line 19, by inserting after all of said line the following:

**"13. In addition to the number of enterprise zones authorized in this chapter, the department of economic development shall designate one such zone for any city of the fourth classification with more than thirty thousand three hundred but less than thirty thousand four hundred inhabitants and located in any county of the first class with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205."; and**

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

On motion of Representative Young, **House Amendment No. 1 to Part I** was adopted.

On motion of Representative Johnson (47), **Part I of HS HB 197, as amended**, was adopted.

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

Representative Cooper (120) raised a point of order that **House Amendment No. 1 to Part II** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Cooper (120) assumed the Chair.

Representative Daus offered **House Amendment No. 2 to Part II**.

**House Amendment No. 2 to Part II** was withdrawn.

Representative Sager offered **House Amendment No. 3 to Part II**.

**House Amendment No. 3 to Part II** was withdrawn.

Representative Hoskins offered **House Amendment No. 4 to Part II**.

*House Amendment No. 4*

AMEND Part II of House Substitute for House Bill No. 197, Page 23, Section 135.530, Line 17, by deleting the opening and closing brackets around the word “seventy”; and

Further amend said bill, Page 23, Section 135.530, Line 17, by deleting the words “**seventy-five**”; and

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

Representative Hoskins moved that **House Amendment No. 4 to Part II** be adopted.

Which motion was defeated.

Representative Merideth offered **House Amendment No. 5 to Part II**.

Representative Purgason raised a point of order that **House Amendment No. 5 to Part II** goes beyond the scope of the bill.

Representative Cooper (120) requested a Parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative El-Amin offered **House Amendment No. 6 to Part II**.

*House Amendment No. 6*

AMEND Part II of House Substitute for House Bill No. 197, Page 15, Section 135.478, Lines 7-10, by deleting all of said lines and inserting in lieu thereof the following:

**“substantial rehabilitation of a residence that qualifies for a tax credit pursuant to sections 135.475 to 135.487;”**; and

Further amend said bill, Page 21, Section 135.487, Lines 11-20, by deleting all of said lines and inserting in lieu thereof the following: **“tax credit. The director”**; and

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

Representative El-Amin moved that **House Amendment No. 6 to Part II** be adopted.

Which motion was defeated.

Speaker Pro Tem Jetton resumed the Chair.

Representative Sager offered **House Amendment No. 7 to Part II**.

*House Amendment No. 7*

AMEND Part II of House Substitute for House Bill No. 197, Page 17, Section 135.481, Line 2, by inserting after the “.” on said line the following:

**“A tax credit equal to twenty-five percent of eligible costs shall be granted for any residence which meets the requirements of this section and is also a “universally designed lifetime home”, which is defined as a residential dwelling containing no-step building entry, located on an accessible route from parking area (complaint with ANSI A117.1-1998-1002.3 and 1002.4) with the thirty-six inch entry door (compliant with ANSI A117.1-1998-404). The kitchen (compliant with ANSI A117.1-1998-1002.12), bathroom (compliant with ANSI A117.1-1998-1002.11), and laundry (compliant with ANSI A117.1998-1002.10) shall also be located on an accessible route (compliant with ANSI A117.1-1998-1002.3 and 1002.4) with minimum thirty-six inch interior doors (compliant with ANSI A117.1-1998-404). All interior door hardware shall be lever hardware (compliant with ANSI A117.1-1998-404.2.7).”**; and

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

Representative Purgason raised a point of order that **House Amendment No. 7 to Part II** goes beyond the scope of the bill.

The Chair ruled the point of order untimely.

Representative Sager moved that **House Amendment No. 7 to Part II** be adopted.

Which motion was defeated by the following vote:

AYES: 069

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 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
Lawson	LeVota	Liese	Lowe	McKenna
Meiners	Muckler	Page	Ransdall	Sager
Schoemehl	Seigfreid	Selby	Shoemaker	Shoemyer
Skaggs	Spreng	Thompson	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	

NOES: 085

Angst	Avery	Baker	Bean	Behnen
Bivins	Black	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Dethrow	Dixon
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Hobbs	Hunter	Iceet
Jackson	Jetton	Johnson 47	Kelly 144	King
Kingery	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Merideth	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	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: 009

Abel	Adams	Bearden	Deeken	Dempsey
Holand	Johnson 61	Portwood	Salva	

On motion of Representative Johnson (47), **Part II of HS HB 197, as amended**, was adopted.

On motion of Representative Johnson (47), **HS HB 197, as amended**, was ordered perfected and printed.

## COMMITTEE REPORTS

**Committee on Agriculture**, Chairman Myers reporting:

Madam Speaker: Your Committee on Agriculture, to which was referred **HB 464**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Corrections and State Institutions**, Chairman Kelly (144) reporting:

Madam Speaker: Your Committee on Corrections and State Institutions, to which was referred **HB 477**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Education**, Chairman Cunningham (86) reporting:

Madam Speaker: Your Committee on Education, to which was referred **HB 189**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Health Care Policy**, Chairman Holand reporting:

Madam Speaker: Your Committee on Health Care Policy, to which was referred **HB 465**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Local Government**, Chairman Johnson (47) reporting:

Madam Speaker: Your Committee on Local Government, to which was referred **HB 244**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **HB 326**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **HB 351**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **HB 375**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **HB 388**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **HB 463**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **HB 472**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Small Business**, Chairman St. Onge reporting:

Madam Speaker: Your Committee on Small Business, to which was referred **HB 512**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Tax Policy**, Chairman Cooper (120) reporting:

Madam Speaker: Your Committee on Tax Policy, to which was referred **HB 57**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Tax Policy, to which was referred **HB 60**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Transportation and Motor Vehicles**, Chairman Crawford reporting:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 478**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 478, Page 2, Section 301.3131, Line 21, by inserting at the end of said line the following:

**"Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.";** and

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

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 505**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**MESSAGES FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 34**, entitled:

An act to amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 54**, entitled:

An act to repeal sections 301.147 and 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, 643.310 and 643.315, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 321**, entitled:



An act to repeal section 217.730, RSMo, and to enact in lieu thereof one new section relating to voter registration information given upon discharge of an offender.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 355**, entitled:

An act to repeal section 301.020, RSMo, and to enact in lieu thereof one new section relating to the organ donor program, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 356**, entitled:

An act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donations.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 423**, entitled:

An act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Jimmie Linegar Memorial Highway.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 426**, entitled:

An act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 456**, entitled:

An act to repeal section 87.182, RSMo, and to enact in lieu thereof one new section relating to firemen's retirement systems, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the

Senate has taken up and passed **SCS SB 478**, entitled:

An act to repeal sections 327.401, 327.411, and 337.030, RSMo, and to enact in lieu thereof four new sections relating to professional licensing.

In which the concurrence of the House is respectfully requested.

### **LETTER OF OBJECTION**

March 11, 2003

We, the undersigned object to **HCS HBs 109 & 34** being placed on the Consent Calendar. We believe this bill to be controversial.

/s/ Rep. Dennis F. Wood    Dist. 62  
/s/ Rep. Larry Taylor      Dist. 68  
/s/ Rep. B. J. Marsh        Dist. 136  
/s/ Rep. Curt Dougherty    Dist. 53  
/s/ Rep. Fred Kratky        Dist. 65

### **CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 15**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 15 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 15.
2. That the House recede from its position on House Committee Substitute for House Bill No. 15.
3. That the attached Conference Committee Substitute for House Bill No. 15, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell  
/s/ Sen. Chuck Gross  
/s/ Sen. Doyle Childers  
/s/ Sen. Wayne Goode  
/s/ Sen. Maida Coleman

FOR THE HOUSE:

/s/ Rep. Carl Bearden  
/s/ Rep. Brad Lager  
/s/ Rep. Brad Roark  
/s/ Rep. Vicky Riback Wilson  
/s/ Rep. Marsha Campbell

## **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Wednesday, March 12, 2003.

## **CORRECTION TO THE HOUSE JOURNAL**

### **AFFIDAVIT**

I, State Representative Rod Jetton, District 156, hereby state and affirm that my vote as recorded on Page 604 of the House Journal for Monday, March 10, 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 aye. 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 11th day of March 2003.

/s/ Rod Jetton  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 11th day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

## **COMMITTEE MEETINGS**

### **BUDGET**

Wednesday, March 12, 2003, 8:00 a.m. Hearing Room 3.

Mark-up. Executive Session may follow.

Public Hearing to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7,  
HB 8, HB 9, HB 10, HB 11, HB 12, HB 13, SB 299

Executive Session to be held on: HB 341

### **BUDGET**

Wednesday, March 12, 2003, 7:30 p.m. Hearing Room 3.

Mark-up. Executive Session may follow.

Public Hearing to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7,  
HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

### **BUDGET**

Thursday, March 13, 2003. Hearing Room 3 upon afternoon adjournment.

Mark-up. Executive Session may follow.

Public Hearing to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7,  
HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

#### BUDGET

Friday, March 14, 2003, 8:30 a.m. Hearing Room 3.

Mark-up. Executive Session may follow.

Public Hearing to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

#### CONSERVATION AND NATURAL RESOURCES

Wednesday, March 12, 2003, 12:00 p.m. Hearing Room 5.

Public Hearing to be held on: HB 386, HB 442, HB 447

Executive Session to be held on: HB 182, HJR 7

#### CORRECTIONS AND STATE INSTITUTIONS

Wednesday, March 12, 2003. Hearing Room 7.

Hearing will begin at 5:00 p.m. or upon evening adjournment. AMENDED NOTICE

Public Hearing to be held on: HB 572, HCR 18

Executive Session to be held on: HB 356, HB 407

#### EDUCATION

Wednesday, March 12, 2003, 5:00 p.m. Hearing Room 5.

Possible Executive Session.

Public Hearing to be held on: HB 76, HB 385, HB 489, HB 602

#### HEALTH CARE POLICY

Wednesday, March 12, 2003, 5:00 p.m. Hearing Room 6.

Public Hearing to be held on: HB 432, HB 455, HB 534, HB 536, SB 266

Executive Session to be held on: HB 282

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, March 12, 2003, 12:00 p.m. Hearing Room 6.

Public Hearing to be held on: HB 409, HCR 9

#### JUDICIARY

Wednesday, March 12, 2003, 12:00 pm. Hearing Room 1. AMENDED NOTICE

Public Hearing to be held on: HB 318, HB 430, HB 482, HB 552, HB 599, HB 603, HB 613

Executive Session to be held on: HB 318, HB 427, HB 430, HB 482, HB 552, HB 599, HB 603, HB 613

#### JUDICIARY

Wednesday, March 12, 2003, 7:30 p.m. Hearing Room 1.

Executive Session may follow on HB 468.

Committee may take up business not completed at noon meeting.

Public Hearing to be held on: HB 468

LOCAL GOVERNMENT

Thursday, March 13, 2003, 8:30 a.m. Hearing Room 6.  
Executive Session may follow. AMENDED NOTICE #2  
Public Hearing to be held on: HB 293, HB 591, HJR 19, SB 232, SB 234

RETIREMENT

Thursday, March 13, 2003, 8:30 a.m. Hearing Room 7.  
Executive Session may follow.  
Public Hearing to be held on: HB 583

RULES

Thursday, March 13, 2003, 8:30 a.m. Hearing Room 5. AMENDED NOTICE  
Executive Session may follow.  
Public Hearing to be held on: HR 314, HR 388, HR 576, HR 580

SMALL BUSINESS

Wednesday, March 12, 2003, 12:00 p.m. Hearing Room 4.  
Executive Session may follow.  
Public Hearing to be held on: HB 561

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, March 12, 2003, 12:00 p.m. Hearing Room 7.  
Possible Executive Session.  
Public Hearing to be held on: HB 334, HB 491, HB 551, HB 594, HB 597, HB 598

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 12, 2003, 12:00 p.m. House Lounge. Executive session.

**HOUSE CALENDAR**

THIRTY-SIXTH DAY, WEDNESDAY, MARCH 12, 2003

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 22 and HJR 23

**HOUSE BILLS FOR SECOND READING**

HB 640 through HB 652

**HOUSE BILLS FOR PERFECTION**

HCS HB 156, HS, as amended, pending - Phillips  
HCS HB 132, 173, 117 & 48 - Wright  
HCS HB 257 - Munzlinger

HCS HB 322 - Baker  
HCS HB 410 - Schaaf  
HCS HB 144 - Luetkemeyer  
HCS HB 346 & 174 - Dempsey  
HB 511 - Deeken  
HB 267 - Smith (118)  
HCS HB 215, 218, 115 & 83 - Myers  
HCS HB 190 & 214 - Fares  
HCS HB 51 - Mayer  
HCS HB 387 - Pearce  
HCS HB 554 - Engler  
HCS HB 109 & 34 - Fares

#### **HOUSE BILL FOR PERFECTION - INFORMAL**

HB 157 - Johnson (90)

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

(3-10-03)

HCS HB 93 - Moore  
HB 99 - Seigfreid  
HCS HB 133 - Willoughby  
HB 162 - Shoemaker (8)  
HB 199 - Jolly  
HB 246 - Bishop  
HB 284 - Crawford  
HB 307 - Merideth  
HCS HB 332 - Portwood  
HCS HB 348 & 347 - Dempsey  
HB 358 - Boykins  
HCS HB 431 - Stevenson  
HB 440 - Portwood

(3-11-03)

HB 141 - Mayer  
HB 249, HCA 1 - Seigfreid  
HB 251, HCA 1 - Smith (118)  
HB 261, HCA 1 - Whorton  
HB 327, HCA 1 - Lipke  
HCS HB 371 - Dusenberg  
HB 376 - Cooper (120)  
HCS HB 392 - Avery

HCS HB 394 - Byrd  
HCS HB 493 - Bruns  
HB 553 - Smith (14)  
HB 574 - Jackson  
HB 521 - Dethrow  
HCS HB 97 - Johnson (90)

(3-12-03)

HB 189 - Parker  
HB 244 - Baker  
HB 326 - Wagner  
HB 351 - Quinn  
HB 375 - Cooper (120)  
HB 388 - Riback Wilson (25)  
HB 463 - King  
HB 465 - Hanaway  
HCS HB 472 - Johnson (47)  
HB 477 - Moore  
HB 478, HCA 1 - Moore  
HB 505 - Byrd  
HB 512 - Cooper (120)  
HB 464 - King  
HB 60 - Sutherland  
HB 57 - Riback Wilson (25)

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

HCS HB 222, (Budget 3-04-03) - Luetkemeyer  
HCS HB 289 - Dempsey  
HS HCS HB 517, 94, 149, 150 & 342, E.C. (Budget 3-10-03) - Portwood

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

HCS HB 181 - Seigfreid  
HB 187 - Cooper (120)  
HB 208 - Engler  
HB 286 - Bearden  
HCS HB 245 - Marsh  
HCS HB 59 & 269 - Johnson (61)  
HCS HB 202, E.C. - Portwood  
HB 247 - Ward  
HCS HB 253 - Shoemaker (8)  
HCS HB 277 - Wright  
HB 278 - Davis (19)

HB 292 - Wagner

HB 314 - Engler

**SENATE BILLS FOR SECOND READING**

SS SB 34

SB 54

SB 321

SB 355

SB 356

SB 423

SB 426

SB 456

SCS SB 478

**BILL IN CONFERENCE**

CCR SCS HCS HB 15 - Bearden