

JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

FORTY-FOURTH DAY, TUESDAY, APRIL 1, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, Our Glory and the Lifter of our heads, it is written, "The name of the Lord is a strong tower: the righteous run into it and is safe" so may You show Yourself strong on our behalf. May we call on You and find safety.

As we return to the duties at hand, may we be ever mindful of our deployed troops. We ask that You preserve their coming and going in the midst of battle from this time forward and throughout the war. May Your peace that passes all understanding guard not only their hearts and minds, but also the hearts and minds of their families and friends who patiently await their return.

May their heads be lifted up, their spirits high and their faith unwavering as they serve in the midst of harms way.

Father, we continue our steadfast support for our troops and their families even as You continue Your steadfast love for us.

Guide us in Your love this day. Grant us wisdom, patience, and unity of purpose.

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: Allison Croghan, Grant Shaffer, Eric Shaffer, Kerby Schwer, Brandon Schwer, Claire Borgschulte, Adam Fleddermann, Joshua D'Souza, Katelyn Klump, Scott Laurentius, Joe Vitale, Jennifer Mulliken, Austin Blakley, Camillia Smith, Kevin Well, Jennifer Watt, Max Harvatin, Savannah Mitchell and Cory Feil.

The Journal of the forty-third day was approved as corrected.

Representative Dusenberg moved that Rule 113 be suspended to receive Russell Heindselman for special recognition as a recipient of the Outstanding Missourian Award.

Which motion was adopted by the following vote:

AYES: 152

Abel	Angst	Avery	Baker	Bearden
Behnen	Bishop	Bivins	Black	Bland
Bough	Boykins	Bringer	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	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Hampton	Harris 110
Harris 23	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Liese	Lipke	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	Ruestman	Rupp
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	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: 002

Lowe Sager

ABSENT WITH LEAVE: 009

Adams	Barnitz	Bean	Brooks	Dougherty
Haywood	Hunter	Roark	Seigfreid	

HOUSE RESOLUTION

House Resolution No. 1234 was taken up by Representative Munzlinger and read.

HOUSE RESOLUTION NO. 1234

WHEREAS, it is with utmost respect that the members of the Missouri House of Representatives pause in their daily legislative endeavors in order to recognize those Show-Me State residents who truly embody the concept of Outstanding Missourian through their deeds and achievements; and

WHEREAS, Russell Heindselman has attained considerable distinction in life as a conservationist, entrepreneur, and poet whose poems have hung in the offices of several governors and numerous state representatives from the First District; and

WHEREAS, an agriculturalist whose fifteen acres are the epitome of diversification, Russell Heindselman raises catfish and quail for the food market, bait fish and worms for his tackle business, sweet corn and raspberries for the nearby Quincy, Illinois, farmers markets, and grapes for wine production; and

WHEREAS, Russell Heindselman also produces and sells his own design of bluebird houses which are predator and rain resistant due to a flat roof, ridges to direct moisture, and the use of a narrow mounting pole which is difficult for animals to climb; and

WHEREAS, in addition to his innovative use of carpet scraps to protect tree trunks, Russell Heindselman utilizes his knowledge of trees to produce large, thin-shelled pecans which are rare in production this far north and which provide a source for pecan seed and grafting wood for a separate, independent Missouri nursery; and

WHEREAS, on Tuesday, April 1, 2003, Russell Heindselman will meet with state legislators in the Missouri House of Representatives to receive well-deserved honors and accolades for the exemplary role he has performed in the La Grange area as an entrepreneur and business person dedicated to ensuring a diverse, thriving economy:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, join unanimously to applaud the significant contributions made by Russell Heindselman on behalf of the people and institutions of Missouri and to extend to him this legislative body's most heartfelt welcome to the state capitol on April 1, 2003, for special recognition as a guest in the House Chamber; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution in honor of "Outstanding Missourian" Russell Heindselman of La Grange in Lewis County.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1158

through

House Resolution No. 1169 - Representative Campbell

House Resolution No. 1170

through

House Resolution No. 1197 - Representative Avery

House Resolution No. 1198

through

House Resolution No. 1233 - Representative Hobbs

House Resolution No. 1234 - Representative Munzlinger

House Resolution No. 1235 - Representatives Wilson (130) and Ruestman

House Resolution No. 1236 - Representative Bearden

House Resolution No. 1237 - Representative Richard

House Resolution No. 1238 - Representative Schaaf

House Resolution No. 1239

through

House Resolution No. 1252 - Representative Jackson

Representative Cunningham assumed the Chair.

INTRODUCTION OF HOUSE BILL

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

HB 711, introduced by Representative Davis (19), et al, relating to the operation of motor vehicles.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 28 was read the second time.

SECOND READING OF HOUSE BILLS

HB 709 and **HB 710** were read the second time.

SECOND READING OF SENATE BILL

SCS SB 427 was read the second time.

PERFECTION OF HOUSE BILL

HB 511, relating to elections, was taken up by Representative Deeken.

Representative Deeken offered **HS HB 511**.

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

House Amendment No. 1

AMEND House Substitute for House Bill No. 511, Page 4, Section 115.027, Line 18 of said page, by inserting after all of said line the following:

"115.073. 1. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, all general expenses related to the conduct of elections and the registration of voters shall be paid proportionally from the general revenue of the city and the general revenue of the county. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census. **The annual general operating expenditures from the general revenue funds of any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants or any city located within such county shall be subject to the budgeting approval of the governing body of such city or county.**

2. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid proportionally from the general revenue of the city and the general revenue of the county as provided in subsection 1 of this section."; and

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

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

House Amendment No. 1 to House Amendment No. 1 was withdrawn.

Representative Johnson (90) offered **House Amendment No. 2 to House Amendment No. 1**.

*House Amendment No. 2
to
House Amendment No. 1*

AMEND House Amendment No. 1 to House Substitute for House Bill No. 511, Page 2, Section 115.073, Line 2, by inserting the following after the word "county":

"to ensure expenditures reasonable and necessary to adequately fund said elections".

On motion of Representative Johnson (90), **House Amendment No. 2 to House Amendment No. 1** was adopted.

On motion of Representative Brown, **House Amendment No. 1, as amended**, was adopted.

HB 511, with HS, as amended, pending, was laid over.

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 **SCS SB 73**, entitled:

An act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity, 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 **SB 93**, entitled:

An act to amend chapter 144, RSMo, by adding thereto one new section relating to sales and use taxes.

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 204**, entitled:

An act to amend chapter 160, RSMo, by adding thereto one new section relating to educational service agencies.

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 295**, entitled:

An act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

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 358**, entitled:

An act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

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 407**, entitled:

An act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

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 425**, entitled:

An act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

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 431**, entitled:

An act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to consent for experimental treatments.

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 506**, entitled:

An act to repeal section 332.071, RSMo, and to enact in lieu thereof one new section relating to the use of lasers for dentistry.

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 519**, entitled:

An act to repeal section 162.431, RSMo, and to enact in lieu thereof one new section relating to school district boundary changes.

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 529**, entitled:

An act amend chapter 389, RSMo, by adding thereto one new section relating to the designation of official Missouri railroads.

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 547**, entitled:

An act to repeal sections 51.281 and 54.261, RSMo, and to enact in lieu thereof two new sections relating to compensation for certain county officers.

In which the concurrence of the House is respectfully requested.

On motion of Representative Crowell, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1253

through

House Resolution No. 1266 - Representative Bruns

INTRODUCTION OF HOUSE BILLS

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

HB 712, introduced by Representatives Hanaway, Moore, Icet, Sander and Dixon, et al, relating to prohibition of interference with the free exercise of religion.

HB 713, introduced by Representatives Bruns, Rupp and Deeken, relating to the vocational enterprises program.

HB 714, introduced by Representatives Jones, Hilgemann, Skaggs, Donnelly, Hoskins, Walker, Fraser and Page, et al, relating to special license plates.

PERFECTION OF HOUSE BILL

HB 511, with HS, as amended, pending, relating to elections, was again taken up by Representative Deeken.

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

House Amendment No. 2

AMEND House Substitute for House Bill No. 511, Section 116.025, Page 73, Line 23, by adding the following after all of said line:

"116.175. 1. Except as provided in section 116.155, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

5. If the attorney general or the circuit court of Cole County determines that the fiscal note or the fiscal note summary do not satisfy the requirements of this section, the fiscal note and the fiscal note summary shall be returned to the auditor for revision. A fiscal note or fiscal note summary that does not satisfy the requirements of this section also shall not satisfy the requirements of section 116.180.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the **summary statement portion of the official ballot title** is insufficient or unfair and shall request a different **summary statement portion of the official ballot title**. **Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.**

4. The action shall be placed at the top of the civil docket. **Insofar as the action challenges the summary statement portion of the official ballot title**, the court shall consider the petition, hear arguments, and in its decision

certify the **summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175.** Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, **and for the purposes of section 116.180,** the secretary of state shall certify the language which the court certifies to him."; and

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

On motion of Representative Dempsey, **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Substitute for House Bill No. 511, Page 7, Section 115.078, Line 19, by deleting all of said line and inserting in lieu thereof the following:

"Election Administration Improvements Authority. The Election Administration Improvements Authority may transfer moneys"; and

Further amend said section, Page 7, Line 21, by deleting "**secretary**" and inserting in lieu thereof "**Election Administration Improvements Authority**"; and

Further amend said section, Page 9, Line 5, by inserting after all of said line the following:

"3. There is hereby created the "Election Administration Improvements Authority", which shall constitute a body corporate and politic. The staff of the office of administration shall also serve as staff of the authority under supervision of the commissioner of administration.

(1) The purpose of the authority is to fairly and equitably disburse the funds in the Election Administration Improvements Fund to the election authorities and counties in the state as the Election Administration Improvements Authority shall determine for the purpose of election improvements.

(2) The authority shall not pledge the credit or taxing power of the state or any political subdivision of the state, or make its debts payable out of any moneys except those of the authority specifically pledged for their payment.

4. The powers of the Election Administration Improvements Authority are vested in and shall be exercised by a board consisting of six members. All members of the board shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the board to the governor, and the governor shall select six members from such nominees to serve on the board. Four members of the board constitute a quorum. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so request. The members of the board shall not receive compensation by reason of their membership on the board.

5. The Election Administration Improvements Authority shall have the power to direct the disbursement of funds from the Election Administration Improvements Fund to the extent necessary to carry out its purposes and duties and to exercise its specific powers.

6. Disbursements from the Election Administration Improvements Fund shall be made pursuant to a resolution adopted by the affirmative vote of two-thirds of the members of the board and no other proceedings shall be required therefore."

Representative Witte offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Substitute for House Bill No. 511, Page 2, Section 114.078, Line 8, inserting the following after the first occurrence of the word “members”:

"equally divided between the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election".

Representative Witte moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Seigfreid moved that **House Amendment 3** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
El-Amin	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	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	Wagner
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Yaeger	Young	Zweifel		

NOES: 089

Angst	Avery	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	Icet	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
Reinhart	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: 006

Adams	Baker	Campbell	Dougherty	Haywood
Lawson				

Representative LeVota offered House Amendment No. 4.

House Amendment No. 4

AMEND House Substitute for House Bill No. 511, Section 115.417, Page 65, Line 12, by inserting after the word "**rights**," the following:

"including the information specified in subsection 5 of this section,"; and

Further amend said section, Page 66, Line 4, by inserting the following after all of said line:

"5. The general information on voting rights to be displayed at each polling place shall contain the following language:

(1) You have the right to vote if you are in line when the poll closes at 7:00 p.m., or at any other time between 6:00 a.m. and 7:00 p.m. pursuant to section 115.407, RSMo;

(2) You should bring your voter identification card or some other type of identification with you to the polls. If your voter identification card is lost, you have a right to receive a new card pursuant to subsection 5 of section 115.427 and subsection 3 of section 115.163, RSMo;

(3) If you cannot read or write, or you are blind, or otherwise disabled, you have the right to request special assistance to help you vote pursuant to subsection 3 of section 115.445, RSMo;

(4) All polling places should be accessible to elderly and disabled voters. You have the right to vote outside the polling place within two hundred feet of the entrance pursuant to section 115.436, RSMo;

(5) If you have moved from one residence to another within the same election authority's jurisdiction and you have not been removed from the list of registered voters, then you have the right to vote at a central polling place or at the polling place that serves your new address pursuant to subsection 2 of section 115.165, RSMo;

(6) If you make a mistake or "spoil" your ballot or ballot card and have not cast the ballot, then you have the right to receive a replacement ballot from an election judge pursuant to subsection 4 of section 115.439, RSMo;

(7) If you were convicted of a felony other than one related to voting, and you have fully completed your sentence, including being fully discharged from probation or parole, then you have the right to register to vote pursuant to subsection 4 of section 115.133, RSMo;

(8) No one is allowed to try to influence your vote within twenty-five feet of the polling place pursuant to subdivision (18) of section 115.637, RSMo; and,

(9) You have the right to bring children under the age of eighteen into the polling place with you pursuant to section 115.409, RSMo."

Representative Riback Wilson (25) offered House Amendment No. 1 to House Amendment No. 4.

House Amendment No. 1
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Substitute for House Bill No. 511, Page 2, Section 115.417, Line 28, by inserting the following after all of said line:

"(10) If a court has terminated a guardianship over you or has otherwise adjudged you no longer incapacitated, you have the right to register to vote pursuant to chapter 115, RSMo."

Representative Riback Wilson (25) moved that **House Amendment No. 1 to House Amendment No. 4** be adopted.

Which motion was defeated.

Representative LeVota moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Corcoran	Curls
Darrough	Daus	Davis 122	Dixon	Donnelly
Dougherty	El-Amin	Fraser	George	Graham
Green	Hampton	Harris 110	Harris 23	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	Sander	Schoemehl	Seigfreid	Selby
Shoemyer	Skaggs	Spreng	Thompson	Villa
Vogt	Wagner	Walker	Walsh	Walton
Ward	Whorton	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

NOES: 086

Angst	Avery	Bean	Bearden	Behnen
Bivins	Black	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	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	Reinhart
Richard	Roark	Ruestman	Rupp	Schaaf
Schlottach	Schneider	Self	Shoemaker	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland

Taylor	Threlkeld	Townley	Viebrock	Wallace
Wasson	Wilson 130	Wood	Wright	Yates
Madam Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 007

Adams	Baker	Campbell	Carnahan	Haywood
Lawson	Wilson 119			

Representative Sager offered House Amendment No. 5.

House Amendment No. 5

AMEND House Substitute for House Bill No. 511, Page 5, Section 115.074, Line 5, by inserting the following after all of said line:

"After January 1, 2007, any voting system or equipment purchased in whole or in part with moneys from this section shall have at least one voting booth in each precinct that is fully accessible to all voters and shall allow all voters, including those with disabilities and those who are blind or visually impaired, to cast a private, independent and verifiable ballot."

Representative Sager moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 065

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

NOES: 086

Angst	Bean	Bearden	Behnen	Bivins
Black	Bough	Brown	Bruns	Cooper 120
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	Reinhart	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: 012

Adams	Baker	Bland	Boykins	Campbell
Carnahan	Cooper 155	Crawford	Haywood	Lawson
Merideth	Walton			

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

House Amendment No. 6

AMEND House Substitute for House Bill No. 511, Section 115.430, Page 67, Line 1, by adding the following to the end of said line:

"If such ballot is not counted, then the election authority shall mail the voter a voter registration card within one week of the determination that the ballot shall not count."

Representative Sager offered **House Amendment No. 1 to House Amendment No. 6.**

House Amendment No. 1

to

House Amendment No. 6

AMEND House Amendment No. 6 to House Substitute for House Bill No. 511, Page 1, Section 115.430, Line 2, by deleting the word "card" and inserting in lieu thereof the word "**application**"; and

Add after all lines the following: "**with an explanation of why the ballot does not count.**".

Representative Sager moved that **House Amendment No. 1 to House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Zweifel moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Wilson (42) offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Substitute for House Bill No. 511, Section 115.085, Page 9, Line 7, by deleting the opening bracket (()) before "the"; and

Further amend said section, Page 9, Line 8, by deleting the closing bracket (()) after "appointed" and deleting "this"; and

Further amend said section, Page 9, Lines 9-12, by deleting all of said lines; and

Further amend said section, Page 9, Line 13, by deleting "prospective judges are registered to vote"; and

Further amend said substitute, Section 115.105, Page 13, Line 11, by deleting ","; and

Further amend said section, Page 13, Lines 12-13, by deleting all of said lines; and

Further amend said section, Page 13, Line 14, by deleting "is designated as a challenger"; and

Further amend said substitute, Section 115.107, Page 13, Lines 15-25, and Page 14, Lines 1-5, by deleting all of said lines; and

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

Representative Wilson (42) moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Jones offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Bill No. 511, Section 115.103, Page 11, Line 10, by inserting "1." after said section number and deleting the opening bracket (()) before "Any"; and

Further amend said section, Page 11, Lines 15-22, by deleting all of said lines and inserting in lieu thereof the following:

"district.

2. Subject to appropriation of federal funds, by not later than August 28, 2004, the secretary of state shall develop by rule a statewide training course for election judges that addresses accommodations for voters with disabilities and non-English speaking voters in accordance with current and future guidelines set by the Voting Rights Act of 1964, procedures for administering and processing provisional ballots, curbside voting procedures, and general sensitivity training. After the implementation of this course, all election judges must complete such course before serving as an election judge at a primary or general election.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.026, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

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

Representative Jones moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Seigfreid offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Bill No. 511, Section 116.025, Page 73, Lines 7-23, by deleting all of said lines; and

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

Representative Seigfreid moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Riback Wilson (25) offered **House Amendment No. 10**.

Representative Yates raised a point of order that **House Amendment No. 10** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Willoughby offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Bill No. 511, Page 66, Section 115.430, Line 22, by inserting the following after the word "**place**":

"the voter shall be advised that a provisional ballot cast at the incorrect polling place shall not be counted, and".

Representative Willoughby moved that **House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Abel	Barnitz	Bishop	Bland	Bough
Boykins	Bringer	Brooks	Burnett	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	El-Amin	Fraser	George	Goodman
Graham	Green	Harris 110	Harris 23	Henke
Hilgemann	Hoskins	Hubbard	Johnson 90	Jolly
Jones	Kelly 36	Kuessner	LeVota	Liese
Lowe	McKenna	Meiners	Merideth	Muckler
Page	Ransdall	Sager	Salva	Schoemehl
Seigfreid	Selby	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	Bean	Bearden	Behnen
Bivins	Black	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Guest	Hobbs	Hunter	Icet
Jackson	Jetton	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	Reinhart	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: 011

Adams	Baker	Campbell	Carnahan	Hampton
Haywood	Holand	Johnson 47	Johnson 61	Kratky
Lawson				

HB 511, with HS, as amended, pending, was laid over.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 21 - Homeland Security and Veterans Affairs

HCR 27 - Homeland Security and Veterans Affairs

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 22 - Transportation and Motor Vehicles

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 495 - Health Care Policy
HB 543 - Health Care Policy
HB 588 - Judiciary
HB 667 - Crime Prevention and Public Safety
HB 669 - Crime Prevention and Public Safety
HB 670 - Crime Prevention and Public Safety
HB 671 - Local Government
HB 672 - Conservation and Natural Resources
HB 673 - Children and Families
HB 674 - Corrections and State Institutions
HB 676 - Local Government
HB 677 - Local Government
HB 681 - Budget
HB 682 - Tourism and Cultural Affairs
HB 683 - Tourism and Cultural Affairs
HB 684 - Transportation and Motor Vehicles
HB 685 - Financial Services
HB 686 - Elections
HB 688 - Health Care Policy
HB 689 - Transportation and Motor Vehicles
HB 690 - Health Care Policy
HB 691 - Health Care Policy
HB 692 - Corrections and State Institutions
HB 693 - Job Creation and Economic Development
HB 694 - Financial Services

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS SB 13 - Judiciary
SB 15 - Administration and Accounts
SB 54 - Transportation and Motor Vehicles
SB 101 - Judiciary
SB 108 - Corrections and State Institutions
SB 121 - Local Government
SCS SB 122 - Local Government
SB 136 - Elections
SB 142 - Local Government
SB 173 - Elections
SCS SB 202 - Local Government

SCS#2 SB 224 - Local Government
SCS SB 238 - Local Government
SCS SB 269 - Tax Policy
SCS SB 281 - Local Government
SCS SB 308 - Health Care Policy
SB 321 - Elections
SB 355 - Transportation and Motor Vehicles
SB 356 - Transportation and Motor Vehicles
SB 426 - Budget
SB 456 - Retirement

COMMITTEE REPORT

Committee on Health Care Policy, Chairman Holand reporting:

Madam Speaker: Your Committee on Health Care Policy, to which was referred **HB 121**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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 **SB 165**, entitled:

An act to repeal sections 33.750, 33.752, 33.753, 33.756, 67.653, 70.379, 92.418, and 643.310, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri minority business advocacy commission.

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 373**, entitled:

An act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

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 399**, entitled:

An act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, 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 480**, entitled:

An act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists.

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 492**, entitled:

An act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to commercial interior designers.

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 534**, entitled:

An act to repeal section 198.006, RSMo, and to enact in lieu thereof one new section relating to supervision in nursing homes.

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 548**, entitled:

An act to amend chapter 23, RSMo, by adding thereto one new section relating to the joint committee on legislative research.

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 571**, entitled:

An act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

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 607**, entitled:

An act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment.

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 618**, entitled:

An act to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

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 616**, entitled:

An act to repeal section 355.176 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.176 which was held unconstitutional by the Missouri Supreme Court.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Dusenberg, the House adjourned until 10:00 a.m., Wednesday, April 2, 2003.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Larry Taylor, District 68, hereby state and affirm that my vote as recorded on Page 845 of the House Journal for Monday, March 31, 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 1st day of April 2003.

/s/ Larry Taylor
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 1st day of April in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, April 2, 2003, 8:00 a.m. Hearing Room 1.

Possible Executive Session.

Public Hearing to be held on: HB 436, SB 36, SB 84

BUDGET

Wednesday, April 2, 2003. Hearing Room 1 upon afternoon adjournment.

Executive Session may follow.

Public Hearing to be held on: HB 52, HB 134, HB 517, HJR 3

CONSERVATION AND NATURAL RESOURCES

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 5.

Executive Session may follow.

Public Hearing to be held on: HB 447, HB 620, HJR 20

EDUCATION

Wednesday, April 2, 2003, 5:00 p.m. or upon evening adjournment. Hearing Room 3.

Possible Executive Session.

Public Hearing to be held on: HB 45, HB 655, HB 665, SB 215, SB 371

HEALTH CARE POLICY

Wednesday, April 2, 2003, 5:00 p.m. Hearing Room 6.

Public Hearing to be held on: HB 644, SB 317

Executive Session to be held on: HB 350, HB 455, HB 484, HB 507, HB 530, HB 536, SB 266

HOMELAND SECURITY AND VETERANS AFFAIRS

Wednesday, April 2, 2003. Hearing Room 5 upon evening adjournment. AMENDED NOTICE

Executive Session may follow.

Public Hearing to be held on: HCR 27, HCR 29

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 6.

Public Hearing to be held on: HB 569, SB 310

JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Thursday, April 3, 2003, 8:30 a.m. Hearing Room 2.

Organizational meeting.

Presentation by Department of Economic Development.

JOINT COMMITTEE ON GAMING AND WAGERING

Wednesday, April 9, 2003, 9:00 a.m. Hearing Room 7.

Organizational meeting/ Election of Chairman and Vice Chairman.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, April 2, 2003, 12:30 p.m. Hearing Room 3.

Testimony from witnesses regarding agency directives.

JUDICIARY

Wednesday, April 2, 2003, 8:00 a.m. Hearing Room 6. AMENDED NOTICE

Public Hearing to be held on: HB 98, HB 213, HB 373, HB 382, HB 504,
HB 593, SB 203

Executive Session to be held on: HB 44, HB 98, HB 105, HB 213, HB 373,
HB 500, HB 504, HB 593, SB 203

JUDICIARY

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 1.

Committee will take up any bills that were not completed at the 8:00 a.m. hearing.

LOCAL GOVERNMENT

Thursday, April 3, 2003, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 14, SB 68, SB 130, SB 218, SB 282, SB 383

LOCAL GOVERNMENT

Monday, April 7, 2003, 7:00 p.m. Hearing Room 6.

Executive Session on bills listed and potentially other bills that have been previously heard.

Public Hearing to be held on: SB 7, SB 186, SB 228, SB 250, SB 288,
SB 370, SB 379

Executive Session to be held on: SB 14, SB 68, SB 130, SB 218,
SB 282, SB 383

SMALL BUSINESS

Wednesday, April 2, 2003, 12:00 p.m. or upon morning recess. Hearing Room 4.

Executive Session may follow.

Public Hearing to be held on: HB 480

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 7. AMENDED NOTICE

Possible Executive Session.

Public Hearing to be held on: HB 466, HB 614, SB 289, SB 314

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 2.

Public Hearing to be held on: HB 250, HB 475, HCR 7

HOUSE CALENDAR

FORTY-FIFTH DAY, WEDNESDAY, APRIL 2, 2003

HOUSE BILLS FOR SECOND READING

HB 711 through HB 714

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 132, 173, 117 & 48 - Wright
- 2 HCS HB 346 & 174 - Dempsey
- 3 HB 511, HS, as amended, pending - Deeken
- 4 HB 267 - Smith (118)
- 5 HCS HB 215, 218, 115 & 83 - Myers
- 6 HCS HB 190 & 214 - Fares
- 7 HCS HB 51 - Mayer
- 8 HCS HB 387 - Pearce
- 9 HCS HB 109 & 34 - Fares
- 10 HCS HB 404, 324, 403, 344, 426 & 541 - Rector
- 11 HB 263 - Cooper (120)
- 12 HB 470 - Mayer
- 13 HB 668, HCAs 1, 2, 3, 4, 5, 6, 7 & 8 - Crawford
- 14 HB 182 - May
- 15 HB 444 - Jackson
- 16 HCS HB 121 - Portwood

HOUSE BILLS FOR THIRD READING

- 1 HS HCS HB 517, 94, 149, 150 & 342, E.C. (Budget 3-10-03) - Portwood
- 2 HCS HB 380 - Byrd

SENATE BILLS FOR SECOND READING

- 1 SCS SB 73
- 2 SB 93
- 3 SB 165
- 4 SB 204
- 5 SCS SB 295
- 6 SCS SB 358
- 7 SCS SB 373
- 8 SB 399
- 9 SB 407
- 10 SB 425
- 11 SB 431

12 SB 480
13 SB 492
14 SB 506
15 SB 519
16 SB 529
17 SB 534
18 SCS SB 547
19 SB 548
20 SB 571
21 SB 607
22 SB 616
23 SB 618

SENATE BILL FOR THIRD READING

SCS SB 299 & 40 - Bearden