

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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FIFTIETH DAY, THURSDAY, APRIL 10, 2003

Speaker Hanaway in the Chair.

Prayer by Father David Buescher.

God, Source of Light and Wisdom, illuminate the minds and hearts of our representatives today where there is any lack of knowledge or courage, fill these women and men with Your strength and Your insight.

Guide and direct their discussions and deliberations according to the sound of Your almighty symphony, one of love, mercy, justice, progress and compassion. 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: Wendy Leas, Priscilla Harris, Danny Barry, Kenny Kramer, Paul Mattingly, Becky Heft, Leslee Schwent, Crystal Newell and Robert Richey.

The Journal of the forty-ninth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1704

through

House Resolution No. 1714 - Representative Ruestman

House Resolution No. 1715

through

House Resolution No. 1728 - Representatives Lipke and Engler

House Resolution No. 1729 - Representative Jetton

House Resolution No. 1730

and

House Resolution No. 1731 - Representative Wasson

House Resolution No. 1732 - Representative Wilson (130)

House Resolution No. 1733 - Representative Cunningham (86)

House Resolution No. 1734 - Representative Corcoran, et al

House Resolution No. 1735 - Representative Wilson (119)

House Resolution No. 1736 - Representative Bearden

House Resolution No. 1737 - Representative Jones

House Resolution No. 1738 - Representative Smith (14), et al

House Resolution No. 1739 - Representative Sanders Brooks  
House Resolution No. 1740 - Representative Witte  
House Resolution No. 1741  
through  
House Resolution No. 1744 - Representative Burnett  
House Resolution No. 1745  
and  
House Resolution No. 1746 - Representative Fares  
House Resolution No. 1747  
through  
House Resolution No. 1762 - Representative Wilson (119)  
House Resolution No. 1763 - Representative Threlkeld  
House Resolution No. 1764 - Representatives Threlkeld and Nieves  
House Resolution No. 1765 - Representative Icet  
House Resolution No. 1766  
and  
House Resolution No. 1767 - Representative Whorton

### INTRODUCTION OF HOUSE BILLS

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

**HB 740**, introduced by Representatives Pratt, Dougherty and Dusenberg, relating to the installation, repair, removal, and closure of petroleum liquid storage systems.

**HB 741**, introduced by Representatives Bearden, Jetton, Wright, Reinhart and Portwood, et al, relating to medical assistance benefits.

**HB 742**, introduced by Representatives Jolly and Meiners, relating to dangerous felonies.

### SECOND READING OF HOUSE BILLS

**HB 736** through **HB 739** were read the second time.

### SECOND READING OF SENATE BILL

**SB 468** was read the second time.

### THIRD READING OF HOUSE BILLS

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

On motion of Representative Deeken, **HS HB 511** was read the third time and passed by the following vote:

AYES: 156

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kuessner	Lager
Lawson	Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Ward	Wasson	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 001

Whorton

PRESENT: 000

ABSENT WITH LEAVE: 006

Adams	Boykins	Hunter	Kratky	Myers
Schaaf				

Speaker Hanaway declared the bill passed.

**HB 444**, relating to excursion gaming boat admission fees, was taken up by Representative Jackson.

On motion of Representative Jackson, **HB 444** was read the third time and passed by the following vote:

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AYES: 121

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bivins	Black
Bough	Bringer	Brown	Bruns	Byrd
Carnahan	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Darrough	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin	George
Goodman	Green	Guest	Hampton	Harris 110
Hobbs	Holand	Hoskins	Hubbard	Ice
Jackson	Jetton	Johnson 47	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	Liese	Lipke	Luetkemeyer
Marsh	May	Mayer	McKenna	Merideth
Miller	Moore	Morris	Munzlinger	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Sander	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Thompson	Threlkeld	Townley
Villa	Wagner	Wallace	Ward	Wasson
Whorton	Willoughby	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Young
Madam Speaker				

NOES: 030

Bishop	Bland	Brooks	Burnett	Campbell
Corcoran	Curls	Daus	Donnelly	El-Amin
Fraser	Graham	Harris 23	Haywood	Henke
Hilgemann	Johnson 61	Jolly	Jones	LeVota
Lowe	Meiners	Muckler	Shoemyer	Vogt
Walker	Walton	Wilson 25	Wilson 42	Zweifel

PRESENT: 007

Fares	Johnson 90	Salva	Taylor	Viebrock
Walsh	Wildberger			

ABSENT WITH LEAVE: 005

Adams	Boykins	Hunter	Myers	Schaaf
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Speaker Hanaway declared the bill passed.

**HS HB 470**, relating to methamphetamine materials, was taken up by Representative Mayer.

On motion of Representative Mayer, **HS HB 470** was read the third time and passed by the following vote:

AYES: 146

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 86	Curls	Darrough	Daus	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Icet	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	LeVota
Liese	Lipke	Luetkemeyer	Marsh	May
Mayer	McKenna	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Wildberger	Willoughby
Wilson 119	Wilson 130	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 012

Campbell	Cunningham 145	Davis 122	Henke	Lowe
Meiners	Purgason	Seigfreid	Shoemaker	Vogt
Whorton	Wilson 25			

PRESENT: 000

ABSENT WITH LEAVE: 005

Adams	Boykins	Lembke	Myers	Schaaf
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Speaker Hanaway declared the bill passed.

### PERFECTION OF HOUSE BILL

**HCS HBs 404, 324, 403, 344, 426 & 541, with Part VI of HS, as amended, pending,** relating to regulation of utilities, was taken up by Representative Rector.

Representative Willoughby offered **House Amendment No. 2 to Part VI.**

*House Amendment No. 2*

AMEND Part VI of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 16, Section 393.158, Line 9 of said page, by deleting the word “thirty” and inserting in lieu thereof the word “**ninety**”; and

Further amend Part VI of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 19, Line 23, by inserting immediately thereafter the following:

**“13. In the event that the estimate total energy costs per kWh for any quarter exceeds by more than 5% the actual cost per kWh for that quarter, the utility shall submit an explanation. If the utility cannot show that the estimate was realistic and the actual costs was the lowest overall cost that could have been incurred, the Commission may, at its discretion, assess the utility for the purpose of recovering administrative costs of handling the adjustment, in an amount not to exceed the difference between the amount billed to customers under the estimated rate and the actual increase in energy costs for those billing periods.**

**14. The provisions of 393.158 shall expire on August 28, 2008.”.**

Representative Roark assumed the Chair.

Speaker Hanaway resumed the Chair.

On motion of Representative Willoughby, **House Amendment No. 2 to Part VI** was adopted.

Representative Salva offered **House Amendment No. 3 to Part VI**.

*House Amendment No. 3*

AMEND Part VI of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 19, Section 393.158, Line 23, by inserting immediately after all said line, the following:

**"13. Any electricity generated with proceeds from the fuel adjustment charge shall not subsidize the generation of electricity to be used for resale on the wholesale market. Therefore, this subsidized generation must be used in the state of Missouri.”.**

On motion of Representative Salva, **House Amendment No. 3 to Part VI** was adopted.

On motion of Representative Rector, **Part VI of HS HCS HBs 404, 324, 403, 344, 426 & 541, as amended**, was adopted by the following vote:

AYES: 105

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bough	Brown	Bruns	Burnett
Byrd	Cooper 120	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Ervin	Fares	George	Goodman	Green
Guest	Hampton	Harris 23	Hobbs	Holand
Hunter	Icet	Jackson	Jetton	Johnson 47
Jolly	Kelly 144	King	Kingery	Lager
Lembke	LeVota	Liese	Lipke	Luetkemeyer

May	Mayer	Meiners	Merideth	Miller
Moore	Morris	Muckler	Munzlinger	Nieves
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schlottach	Schneider
Self	Shoemaker	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Townley	Viebrock	Wallace	Walsh
Ward	Wasson	Whorton	Willoughby	Wilson 119
Wilson 130	Wood	Wright	Yates	Madam Speaker

NOES: 048

Bland	Bringer	Brooks	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Donnelly
Dougherty	El-Amin	Fraser	Graham	Harris 110
Haywood	Henke	Hilgemann	Hoskins	Hubbard
Johnson 61	Johnson 90	Jones	Kelly 36	Kratky
Kuessner	McKenna	Page	Parker	Ransdall
Sager	Salva	Schoemehl	Seigfreid	Selby
Shoemyer	Thompson	Villa	Vogt	Walker
Walton	Wildberger	Wilson 25	Wilson 42	Witte
Yaeger	Young	Zweifel		

PRESENT: 001

Lowe

ABSENT WITH LEAVE: 009

Adams	Boykins	Cooper 155	Lawson	Marsh
Myers	Schaaf	Threlkeld	Wagner	

Representative Bringer offered **House Amendment No. 1 to Part VII.**

*House Amendment No. 1*

AMEND Part VII to House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 26, Section 393.1006, Line 11, by inserting after “ISRS.” the following:

**“In the event of a refund, the water corporation shall pay interest on the over collected revenues pursuant to the ISRS.”.**

On motion of Representative Bringer, **House Amendment No. 1 to Part VII** was adopted by the following vote:

AYES: 148

Abel	Angst	Avery	Baker	Barnitz
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin

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Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Icet	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
LeVota	Liese	Lipke	Luetkemeyer	May
McKenna	Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Nieves	Page
Parker	Pearce	Phillips	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Townley	Viebrock
Villa	Vogt	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 000

PRESENT: 001

Lowe

ABSENT WITH LEAVE: 014

Adams	Bean	Boykins	Harris 23	Lawson
Lembke	Marsh	Mayer	Myers	Portwood
Salva	Sander	Threlkeld	Wagner	

Representative Rector offered **House Amendment No. 2 to Part VII.**

### *House Amendment No. 2*

AMEND Part VII of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 21, Section 393.1000, Line 8, by adding at the end of said line the following:

**“which the Public Service Commission has jurisdictional authority pursuant to chapter 386, RSM o.;”.**

On motion of Representative Rector, **House Amendment No. 2 to Part VII** was adopted.

On motion of Representative Rector, **Part VII of HS HCS HBs 404, 324, 403, 344, 426 & 541, as amended**, was adopted.

On motion of Representative Rector, **Part VIII of HS HCS HBs 404, 324, 403, 344, 426 & 541** was adopted.

Representative Wright offered **House Amendment No. 1 to Part IX.**



Representative Rector raised a point of order that **House Amendment No. 1 to Part IX** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Salva offered **House Amendment No. 2 to Part IX**.

*House Amendment No. 2*

AMEND Part IX of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 39, Section 393.1018, Line 11, by inserting immediately after all of said line the following:

**“6. No electrical corporation shall be allowed to recover costs pursuant to the provisions of this section from customers that are sixty five years of age or older and have a combined household income equal to or less than thirty thousand dollars.**

**14. No electrical corporation shall be allowed to recover the costs pursuant to the provision of this section from customers that are institutions of elementary, secondary, or higher education.”.**

Representative Purgason raised a point of order that **House Amendment No. 2 to Part IX** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Salva moved that **House Amendment No. 2 to Part IX** be adopted.

Which motion was defeated by the following vote:

AYES: 067

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

NOES: 079

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hobbs	Hunter
Icet	Jackson	Jetton	Johnson 47	King

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Kingery	Lager	Lembke	LeVota	Lipke
Luetkemeyer	May	Mayer	Miller	Morris
Munzlinger	Nieves	Pearce	Phillips	Pratt
Purgason	Quinn	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Self	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

PRESENT: 002

George                      Lowe

ABSENT WITH LEAVE: 015

Adams	Boykins	Brooks	Cunningham 86	Harris 23
Holand	Hubbard	Kelly 144	Lawson	Marsh
Myers	Portwood	Shoemaker	Threlkeld	Wagner

### Representative Shoemyer (9) offered **House Amendment No. 3 to Part IX.**

#### *House Amendment No. 3*

AMEND Part IX of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 39, Line 11, by inserting the following immediate after said line:

“Section 393.190 is repealed and a new section is enacted in lieu thereof, to be known as section 393.190 and to read as follows:

Transfer of franchise or property to be approved, procedure—impact of transfer on local tax revenues, information on to be furnished, to whom, procedure.

393.190. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public, nor by any means, direct or indirect, merge or consolidate such works or system, or franchises, or any part thereof, with any other corporation, person or public utility, without having first secured from the commission an order authorizing it so to do. **No such order shall issue unless the commission has first made a specific finding that such sale, assignment, lease, transfer, mortgage, merger or consolidation is in the public interest.** Every such sale, assignment, lease, transfer, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under this chapter, or the sale, assignment, lease, transfer, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Any person seeking any order under this subsection authorizing the sale, assignment, lease, transfer, merger, consolidation or other disposition, direct or indirect, of any gas corporation, electrical corporation, water corporation, or sewer corporation, shall, at the time of application for any such order, file with the commission a statement, in such form, manner and detail as the commission shall require, as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation, or other disposition will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the corporations involved in such disposition are located. The commission shall send a copy of all information obtained by it as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation or other disposition will have on the tax revenues of various political subdivisions to the county clerk of each county in which any portion of a political subdivision which will be affected by such disposition is located. Nothing in this subsection contained shall be construed to prevent the sale, assignment, lease or other disposition by any corporation, person or public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale

of its property by such corporation, person or public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

2. No such corporation shall directly or indirectly acquire the stock or bonds of any other corporation incorporated for, or engaged in, the same or a similar business, or proposing to operate or operating under a franchise from the same or any other municipality; neither shall any street railroad corporation acquire the stock or bonds of any electrical corporation, unless, in either case, authorized so to do by the commission. Save where stock shall be transferred or held for the purpose of collateral security, no stock corporation of any description, domestic or foreign, other than a gas corporation, electrical corporation, water corporation, sewer corporation or street railroad corporation, shall, without the consent of the commission, purchase or acquire, take or hold, more than ten percent of the total capital stock issued by any gas corporation, electrical corporation, water corporation or sewer corporation organized or existing under or by virtue of the laws of this state, except that a corporation now lawfully holding a majority of the capital stock of any gas corporation, electrical corporation, water corporation or sewer corporation may, with the consent of the commission, acquire and hold the remainder of the capital stock of such gas corporation, electrical corporation, water corporation or sewer corporation, or any portion thereof.

3. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired, or to prevent upon the surrender or exchange of said stock pursuant to a reorganization plan, the purchase, acquisition, taking or holding of a proportionate amount of stock of any new corporation organized to take over, at foreclosure or other sale, the property of any corporation whose stock has been thus surrendered or exchanged. Every contract, assignment, transfer or agreement for transfer of any stock by or through any person or corporation to any corporation in violation of any provision of this chapter shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such gas corporation, electrical corporation, water corporation or sewer corporation or shall be recognized as effective for any purpose.”; and

Further amend the title and enacting clause accordingly.

Representative Shoemyer (9) moved that **House Amendment No. 3 to Part IX** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Abel	Bishop	Black	Bland	Bringer
Burnett	Campbell	Carnahan	Corcoran	Curls
Darrrough	Daus	Davis 122	Donnelly	El-Amin
Ervin	Fraser	George	Graham	Green
Hampton	Harris 110	Haywood	Henke	Hilgemann
Hoskins	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kuessner	Liese	McKenna
Merideth	Muckler	Ransdall	Sager	Salva
Seigfreid	Selby	Shoemyer	Skaggs	Spreng
Thompson	Villa	Vogt	Walker	Walsh
Ward	Whorton	Wildberger	Wilson 25	Witte
Yaeger	Zweifel			

NOES: 083

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Bough	Brown
Bruns	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Fares	Goodman	Guest	Hobbs	Hunter
Icet	Jackson	Jetton	Kelly 144	King
Kingery	Lager	Lembke	LeVota	Lipke

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Luetkemeyer	May	Mayer	Miller	Moore
Morris	Munzlinger	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sander	Schaaf	Schlottach	Self
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Townley	Viebrock	Wallace
Wasson	Willoughby	Wilson 119	Wilson 130	Wood
Wright	Yates	Madam Speaker		

PRESENT: 001

Lowe

ABSENT WITH LEAVE: 022

Adams	Boykins	Brooks	Byrd	Dougherty
Harris 23	Holand	Hubbard	Kratky	Lawson
Marsh	Meiners	Myers	Page	Schneider
Schoemehl	Shoemaker	Threlkeld	Wagner	Walton
Wilson 42	Young			

**HCS HBs 404, 324, 403, 344, 426 & 541, with Part IX of HS, as amended, pending, was laid over.**

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 590** - Tax Policy  
**HB 711** - Transportation and Motor Vehicles  
**HB 712** - Judiciary  
**HB 713** - Corrections and State Institutions  
**HB 714** - Transportation and Motor Vehicles  
**HB 715** - Children and Families  
**HB 716** - Corrections and State Institutions  
**HB 717** - Professional Registration and Licensing  
**HB 718** - Corrections and State Institutions  
**HB 719** - Education  
**HB 720** - Corrections and State Institutions  
**HB 721** - Education  
**HB 722** - Transportation and Motor Vehicles  
**HB 723** - Special Committee on General Laws  
**HB 724** - Transportation and Motor Vehicles  
**HB 725** - Transportation and Motor Vehicles  
**HB 726** - Tax Policy  
**HB 727** - Professional Registration and Licensing  
**HB 728** - Children and Families  
**HB 729** - Professional Registration and Licensing

**HB 730** - Crime Prevention and Public Safety  
**HB 731** - Transportation and Motor Vehicles  
**HB 732** - Crime Prevention and Public Safety  
**HB 733** - Crime Prevention and Public Safety  
**HB 734** - Judiciary

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SS SCS SCR 13** - Budget

### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SB 468** - Judiciary

### **COMMITTEE REPORTS**

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

Madam Speaker: Your Committee on Corrections and State Institutions, to which was referred **HB 138**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Crime Prevention and Public Safety**, Chairman Mayer reporting:

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 471**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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

Madam Speaker: Your Committee on Health Care Policy, to which was referred **HB 233**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Judiciary**, Chairman Byrd reporting:

Madam Speaker: Your Committee on Judiciary, to which was referred **HB 593**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 593, Page 3, Section 537.605, Lines 1 to 5, by deleting all of said lines and inserting in lieu thereof the following:

**"537.605. 1. The state of Missouri, in its capacity as an employer, shall be subject to the provisions of the federal Family and Medical Leave Act, 29 U.S.C. Section 2601, et seq., and shall be liable for any violation of such act, and further grants limited consent to be sued under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.**

**2. The state of Missouri waives its sovereign immunity for purposes of enforcement of such acts; except that no judgment entered against the state of Missouri shall exceed the liability limits established in section 537.610. Such monetary limits shall apply regardless of whether the state has insurance for defense of the claim. The amount may include attorneys' fees, but shall not include punitive or exemplary damages.**

**3. The provisions of this section shall apply to all actions pending or initiated on or after the effective date of this section.**

**4. The provisions of this section pertaining to the Americans with Disabilities Act, 42 U.S.C. 12101, et seq., shall, without limitation, apply to the Missouri State Capitol Building."; and**

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

**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 HCS HB 221**, entitled:

An act to repeal sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.99-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.557, 408.653, and 408.654, RSMo, and to enact in lieu thereof twenty-two new sections relating to banking, with an effective date for a certain section and penalty provisions.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 221, Page 37, Section 408.557, Lines 1-7, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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 69**, entitled:

An act to amend chapter 620, RSMo, by adding thereto eight new sections relating to small businesses.

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 **SS SCS SB 410**, entitled:

An act to repeal sections 191.831, 302.304, 302.540, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof six new sections relating to substance abuse traffic offender program.

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 **SS SS SCS SBs 556 & 311**, entitled:

An act to repeal sections 197.725, 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.086, 198.105, 198.525, 198.526, 198.532, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, RSMo, and to enact in lieu thereof forty-one new sections relating to the protection of the elderly, with penalty provisions and an expiration for a certain section.

In which the concurrence of the House is respectfully requested.

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 4:00 p.m., Monday, April 14, 2003.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Monday, April 14, 2003, 1:00 p.m. Hearing Room 6.  
Executive Session may follow. AMENDED NOTICE  
Public Hearing to be held on: HB 457, SB 388, SB 651, SB 668

#### **CHILDREN AND FAMILIES**

Monday, April 14, 2003, upon evening adjournment. Hearing Room 4.  
Executive Session to be held on: SB 635, SB 571

#### **CONSERVATION AND NATURAL RESOURCES**

Wednesday, April 16, 2003, 12:30 p.m. Hearing Room 5.  
Executive Session may follow.  
Public Hearing to be held on: HB 355, HB 439, HB 519

#### **CRIME PREVENTION AND PUBLIC SAFETY**

Tuesday, April 15, 2003, 5:00 p.m. Hearing Room 3.  
Executive Session may follow.  
Public Hearing to be held on: HB 54, HB 586, HB 667, HB 669, HB 697,  
HB 730, HB 733

#### **FINANCIAL SERVICES**

Monday, April 14, 2003, 2:00 p.m. Hearing Room 4.  
Public Hearing to be held on: SB 61, SB 373, SB 407, SB 611

**FINANCIAL SERVICES**

Tuesday, April 15, 2003, 12:00 p.m. Hearing Room 6.  
Possible Executive Session. AMENDED NOTICE  
Public Hearing to be held on: HB 560, SB 385, SB 427

**HEALTH CARE POLICY**

Monday, April 14, 2003, 2:00 p.m. Hearing Room 2.  
Executive Session.

**JOB CREATION AND ECONOMIC DEVELOPMENT**

Monday, April 14, 2003, 3:30 p.m. Side gallery.  
Executive Session.

**JUDICIARY**

Monday, April 14, 2003, 12:00 p.m. Hearing Room 3.  
Executive Session may follow on SBs 447, 394, 395, 548, 468, 469, 521, 616  
and HBs 374, 213.  
Public Hearing to be held on: SB 394, SB 395, SB 447, SB 468, SB 548

**LOCAL GOVERNMENT**

Monday, April 14, 2003, 12:00 p.m. Hearing Room 7.  
Executive Session on Senate Bills.  
Public Hearing to be held on: SB 16, SB 120, SB 275, SB 504, SB 513,  
SB 546, SB 547, SB 578, SB 592, SB 621

**RETIREMENT**

Monday, April 14, 2003, 3:45 p.m. Side gallery.  
Executive Session.

**SENIOR SECURITY**

Monday, April 14, 2003. Side gallery upon evening adjournment.  
Executive Session to be held on: SB 534

**SUBCOMMITTEE ON LICENSE PLATES AND TABS**

Monday, April 14, 2003, 2:00 p.m. Hearing Room 1.  
Study Department of Revenue's distribution of regular, personalized plates and tabs.

**HOUSE CALENDAR**

FIFTY-FIRST DAY, MONDAY, APRIL 14, 2003

**HOUSE BILLS FOR SECOND READING**

HB 740 through HB 742



**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 132, 173, 117 & 48 - Wright
- 2 HCS HB 215, 218, 115 & 83 - Myers
- 3 HCS HB 190 & 214 - Fares
- 4 HCS HB 51 - Mayer
- 5 HCS HB 387 - Pearce
- 6 HCS HB 109 & 34 - Fares
- 7 HCS HB 404, 324, 403, 344, 426 & 541, Part IX of HS, as amended, pending - Rector
- 8 HB 263 - Cooper (120)
- 9 HCS HB 121 - Portwood
- 10 HB 481 - Crowell
- 11 HCS HB 468 - Byrd
- 12 HCS HB 142 - Dempsey
- 13 HCS HB 564 - Behnen
- 14 HB 593, HCA 1 - Deeken
- 15 HCS HB 233 - Holand
- 16 HCS HB 138 - Crawford
- 17 HB 471 - Jackson

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HCS HB 435 - Engler

**HOUSE BILL FOR THIRD READING**

HS HCS HB 679 & 396 - Hanaway

**SENATE BILLS FOR SECOND READING**

- 1 SCS SB 69
- 2 SS SCS SB 410
- 3 SS SS SCS SB 556 & 311

**SENATE BILLS FOR THIRD READING - CONSENT**

(4-07-03)

- 1 SCS SB 4, HCA 1 - Johnson (47)
- 2 SB 255 - Engler

(4-09-03)

- 1 HCS SB 234, E.C. - Ervin
- 2 SB 14 - Johnson (47)
- 3 SCS SB 29 - Parker
- 4 SB 50 - Seigfreid
- 5 HCS SB 68 - Wasson
- 6 HCS SCS SB 130, E.C. - Davis (19)
- 7 HCS SCS SB 218 - George
- 8 SB 232 - Behnen
- 9 SB 235 - Johnson (47)
- 10 SCS SB 239 - Smith (118)
- 11 HCS SB 266 - Johnson (47)
- 12 SB 282 - Brown
- 13 SB 371 - Cunningham (86)

(4-10-03)

- 1 SCS#2 SB 1 - Luetkemeyer
- 2 SCS SB 237 - Luetkemeyer
- 3 SB 289, HCA 1 - Dempsey
- 4 SB 292 -
- 5 SB 314 - Dempsey
- 6 SCS SB 466 -
- 7 SCS SB 478 - Smith (14)
- 8 SB 496 -
- 9 SB 540 - Dempsey

#### **SENATE BILLS FOR THIRD READING**

- 1 SCS SB 299 & 40 - Bearden
- 2 HCS SCS SB 296 - Sutherland

#### **SENATE BILL FOR THIRD READING - FEDERAL MANDATE**

SCS SB 194 & 189, E.C. - St. Onge

#### **HOUSE CONCURRENT RESOLUTION**

HCR 11, (4-07-03, Pages 945-946) - Moore