

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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SIXTIETH DAY, MONDAY, APRIL 28, 2003

Speaker Hanaway in the Chair.

Prayer by Father David Buescher.

God, You strengthen us when the going is difficult. One very major item, the budget, and many other important issues hang over these representatives' heads. Hear them as they pray for wisdom and counsel, skills to communicate well, ways to heal conflict and hurt, and for the energy to continue on their many paths toward unified goals for our state.

They begin this session early today, God. They are not afraid of the work. Give them Your divine grace to finish well what needs to be done. We pray with faith in You, in ourselves, and in each other. 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: Katie Churchill Lentz and Jonathan Odom.

The Journal of the fifty-ninth day was approved as corrected by the following vote:

AYES: 084

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

NOES: 056

Barnitz	Bishop	Bland	Boykins	Bringer
Burnett	Campbell	Corcoran	Curls	Darrough
Daus	Davis 122	Donnelly	George	Green
Hampton	Harris 110	Harris 23	Haywood	Henke

Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Kelly 36	Kratky	Kuessner	LeVota
Liese	McKenna	Merideth	Page	Ransdall
Sager	Salva	Schoemehl	Seigfreid	Selby
Shoemaker	Shoemyer	Skaggs	Spreng	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Ward	Willoughby	Wilson 25	Wilson 42	Yaeger
Zweifel				

PRESENT: 009

Brooks	Carnahan	El-Amin	Jones	Lowe
Muckler	Walton	Whorton	Wildberger	

ABSENT WITH LEAVE: 014

Abel	Adams	Byrd	Davis 19	Graham
Guest	Jackson	Nieves	Purgason	Rector
Reinhart	Richard	Schneider	Smith 118	

### SPECIAL RECOGNITION

The Cardinal Ritter Boys Class 3 Basketball Team was introduced by Representative Boykins and recognized as Outstanding Missourians.

**HR 2190** was taken up by Representative Boykins and read.

#### HOUSE RESOLUTION NO. 2190

WHEREAS, the members of the Missouri House of Representatives always welcome the opportunity to acknowledge those Show-Me State high school athletic programs which have demonstrated the value of sportsmanship, teamwork, training, and determination through the exemplary nature of their attainments; and

WHEREAS, Cardinal Ritter College Prep in St. Louis, Missouri, sponsored a boys basketball team which completed the regular season with an outstanding 27-0 win-loss record and a berth in post-season Class 3 Missouri State High School Activities Association state competition; and

WHEREAS, on March 21, 2003, the Cardinal Ritter Lions claimed the State Championship title with a decisive 64 to 53 victory over Ash Grove to remain undefeated with 31 wins; and

WHEREAS, the Cardinal Ritter Lions were admirably led by Coach of the Year Marvin Neals with assistance from Leroy Jackson, Ken Kaid, David Robinson, and Ken Burke, Sr.; and

WHEREAS, players forming the Cardinal Ritter Lions basketball team for 2002-2003 included Bryan Baldwin, Alexander Barnett, Raymond Brown, Ken Burke, Dewon Byrd, Alvin Davie, Terry Evans, Marquis Jones, Jamel Lacy, Kilian Toms, William Toussaint, Markus Upchurch, Antione Vinson, and Jonathon Mosley; and

WHEREAS, in addition to the glory associated with capturing First Place in the state playoffs, the Cardinal Ritter Lions basketball team garnered other accolades, including having two players named to the All-State team: Kenny Burke and Antione Vinson; and

WHEREAS, Cardinal Ritter College Prep is a Roman Catholic school which enjoys a stellar reputation for excellence and a student body which is composed of nearly seventy-three percent non-Catholic youths attracted to its academic rigor and stellar extracurricular opportunities:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, join unanimously to applaud the spectacular achievements garnered by the Lions boys basketball team this year and to convey to its players, coaches, and parents this legislative body's heartiest congratulations upon taking First Place in state Class 3 championship competition and our best wishes for continued success long into the future; 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 the 2002-2003 Cardinal Ritter College Prep Lions boys basketball program.

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

- House Resolution No. 2178 - Representative Viebrock
- House Resolution No. 2179 - Representative Hanaway
- House Resolution No. 2180 - Representative Wilson (119)
- House Resolution No. 2181  
through
- House Resolution No. 2183 - Representative Fares
- House Resolution No. 2184 - Representative Lager
- House Resolution No. 2185 - Representatives Bivins and Lembke
- House Resolution No. 2186 - Representative Cooper (120)
- House Resolution No. 2187 - Representative Townley
- House Resolution No. 2188  
and
- House Resolution No. 2189 - Representative LeVota
- House Resolution No. 2190 - Representative Boykins
- House Resolution No. 2191  
through
- House Resolution No. 2206 - Representative Portwood
- House Resolution No. 2207  
through
- House Resolution No. 2219 - Representative Wilson (119)
- House Resolution No. 2220 - Representative Meiners
- House Resolution No. 2221 - Representative Zweifel
- House Resolution No. 2222  
through
- House Resolution No. 2224 - Representative Lager
- House Resolution No. 2225 - Representative Dempsey
- House Resolution No. 2226 - Representative Myers
- House Resolution No. 2227 - Representative Roark
- House Resolution No. 2228 - Representative Ransdall
- House Resolution No. 2229 - Representative Liese
- House Resolution No. 2230  
and
- House Resolution No. 2231 - Representative Whorton

House Resolution No. 2232

and

House Resolution No. 2233 - Representative Munzlinger

Speaker Pro Tem Jetton assumed the Chair.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 755**, introduced by Representatives Jetton, Crowell, Shoemaker (8), Bearden and Hunter, relating to salaries for certain school personnel.

**HB 756**, introduced by Representatives Jetton, Crowell, Hunter and Bearden, relating to Internet child pornography.

**HB 757**, introduced by Representatives Jetton, Sutherland, Hunter and Cooper (120), et al, relating to taxation.

**HB 758**, introduced by Representative Harris (23), relating to qualified research tax credits for corporations.

**HB 759**, introduced by Representative Cunningham (86), relating to commercial motor vehicles.

**HB 760**, introduced by Representative Bearden, relating to state budget procedures.

**HB 761**, introduced by Representative Cunningham (86), relating to animal physical therapists.

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 26** was read the second time.

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

**HB 753** and **HB 754** were read the second time.

### **THIRD READING OF HOUSE BILLS**

**HCS HB 688**, relating to the Life Sciences Research Trust Fund, was taken up by Representative Hanaway.

On motion of Representative Hanaway, **HCS HB 688** was read the third time and passed by the following vote:

AYES: 154

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Brooks
Brown	Bruns	Burnett	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
Goodman	Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Iceet
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	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	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	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright	Yaeger
Yates	Young	Zweifel	Madam Speaker	

NOES: 001

Bringer

PRESENT: 000

ABSENT WITH LEAVE: 008

Adams	Davis 19	George	Graham	Jackson
Lawson	Nieves	Schneider		

Speaker Pro Tem Jetton declared the bill passed.

Representative Dempsey assumed the Chair.

**HS HB 481**, relating to public funds, was taken up by Representative Crowell.

On motion of Representative Crowell, **HS HB 481** was read the third time and passed by the following vote:

AYES: 116

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Bringer	Brown	Bruns	Burnett	Byrd
Campbell	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 122	Deeken	Dempsey
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Engler	Ervin	George	Goodman	Green
Guest	Hampton	Harris 110	Henke	Hobbs
Holand	Hunter	Ice	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lembke	Liese	Lipke	Luetkemeyer	Marsh
May	Mayer	McKenna	Meiners	Merideth
Miller	Moore	Morris	Muckler	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Salva	Sander	Schaaf	Schlottach
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Ward	Wasson	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates
Madam Speaker				

NOES: 040

Abel	Bishop	Bland	Boykins	Brooks
Carnahan	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Fares	Fraser	Harris 23
Haywood	Hilgemann	Hoskins	Hubbard	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	LeVota
Lowe	Page	Sager	Skaggs	Thompson
Walker	Walton	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 007

Adams	Davis 19	Graham	Jackson	Jetton
Lawson	Schneider			

Representative Dempsey declared the bill passed.

**HS HCS HB 121**, relating to insurance coverage for chiropractic care, was taken up by Representative Portwood.

On motion of Representative Portwood, **HS HCS HB 121** was read the third time and passed by the following vote:

AYES: 149

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

Donnelly

ABSENT WITH LEAVE: 013

Adams	Bivins	Davis 19	Graham	Holand
Jackson	Jetton	King	Lawson	Purgason
Sager	Schneider	Stevenson		

Representative Dempsey declared the bill passed.

**HCS HB 138**, relating to corrections officers certification, was taken up by Representative Crawford.

On motion of Representative Crawford, **HCS HB 138** was read the third time and passed by the following vote:

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AYES: 152

Abel	Angst	Avery	Baker	Barnitz
Bean	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
Davis 122	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Icet
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	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf	Schlottach
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	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: 000

ABSENT WITH LEAVE: 011

Adams	Brooks	Daus	Davis 19	Graham
Jackson	Jetton	Lawson	Purgason	Schneider
Stevenson				

Representative Dempsey declared the bill passed.

Speaker Hanaway resumed the Chair.

**HB 593**, relating to the State Employees' Protection Act, was taken up by Representative Byrd.

On motion of Representative Byrd, **HB 593** was read the third time and passed by the following vote:



AYES: 084

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

NOES: 068

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

PRESENT: 001

Marsh

ABSENT WITH LEAVE: 010

Adams	Bland	Cooper 155	Davis 19	Dougherty
Graham	Holand	Jackson	Lawson	Schneider

Speaker Hanaway declared the bill passed.

Representative Zweifel requested a verification of the roll call on the motion to third read and pass **HB 593**.

### THIRD READING OF SENATE BILL

**HCS SS SCS SB 36**, relating to environmental regulations, was taken up by Representative Myers.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Page 23, Section 643.078, Line 89, by inserting immediately after all of said line the following:

"Section 1. In letting contracts for the performance of any job or service for the removal or clean up of waste tires pursuant to chapter 260, RSMo, the department of natural resources shall, in addition to the requirements of sections 34.073 and 34.076, RSMo, and any other points awarded during the evaluation process, give to any vendor that meets one or more of the following factors a five percent preference and ten bonus points for each factor met:

(1) The bid is submitted by an individual, partnership, association, or corporation vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the four years immediately preceding the date on which the bid is submitted;

(2) The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri continuously for the four years immediately preceding the date on which the bid is submitted;

(3) The bid is submitted by an individual, partnership, association, or corporation vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(4) The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(5) The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product." ; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 13, Section 640.010, Line 10, by deleting the word "**property**"; and

Further amend said bill, said page, said section, Line 11, by deleting the word "**property**".

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

**"Section 1. Notwithstanding any other provision of law to the contrary, no rule or regulation proposed, promulgated, adopted, or amended by the department of agriculture, division of weights and measures, shall be applied retroactively to existing facilities or construction unless the department or the division establishes by clear and convincing evidence that the rule or regulation shall be applied retroactively to protect the health and safety of the public.**

**Section 2. No city, county, or other political subdivision of the state of Missouri shall impose a requirement for financial responsibility on owners or operators of underground or above ground petroleum storage tanks. This provision shall fully preempt any such local financial responsibility requirements which are in effect on August 28, 2003.";** and

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

Representative Shoemyer (9) requested a division of the question on **House Amendment No. 3.**

*House Amendment No. 3*

PART I

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

**"Section 1. Notwithstanding any other provision of law to the contrary, no rule or regulation proposed, promulgated, adopted, or amended by the department of agriculture, division of weights and measures, shall be applied retroactively to existing facilities or construction unless the department or the division establishes by clear and convincing evidence that the rule or regulation shall be applied retroactively to protect the health and safety of the public."**

On motion of Representative Townley, **Part I of House Amendment No. 3** was adopted by the following vote:

AYES: 119

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bivins	Black
Bough	Bringer	Brown	Bruns	Burnett
Campbell	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 122	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Goodman
Green	Guest	Hampton	Haywood	Henke
Hobbs	Holand	Hunter	Icet	Johnson 47
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer	Marsh
May	Mayer	McKenna	Merideth	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart

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Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Wagner	Wallace	Ward	Wasson
Whorton	Willoughby	Wilson 119	Wilson 130	Witte
Wood	Wright	Yates	Madam Speaker	

NOES: 036

Bishop	Bland	Boykins	Brooks	Carnahan
Curls	Darrough	Daus	Donnelly	Dougherty
Fraser	George	Harris 110	Harris 23	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Meiners	Muckler	Page	Sager	Salva
Schoemehl	Vogt	Walker	Walsh	Walton
Wildberger	Wilson 25	Wilson 42	Yaeger	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 008

Adams	Byrd	Davis 19	Graham	Jackson
Jetton	Lawson	Schneider		

*House Amendment No. 3*

PART II

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

**"Section 2. No city, county, or other political subdivision of the state of Missouri shall impose a requirement for financial responsibility on owners or operators of underground or above ground petroleum storage tanks. This provision shall fully preempt any such local financial responsibility requirements which are in effect on August 28, 2003.";** and

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

On motion of Representative Townley, **Part II of House Amendment No. 3** was adopted.

Representative Bivins offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting after the word "regulation" the phrase ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "444.778," the numbers "490.750, 490.753, 490.755, 490.757, 490.759, 490.762, 490.765,"; and

Further amend said bill, Page 12, Section 444.778, Line 50, by inserting after all of said line the following:

**"490.750. 1. An environmental audit privilege as provided in sections 490.750 to 490.765 is hereby created to protect the confidentiality of communications relating to voluntary internal environmental audits.**

**2. Except as provided in section 490.755, an environmental audit and an environmental audit report, as defined in section 490.753, shall be privileged and shall not be admissible as evidence in any legal action in any civil, criminal or administrative proceeding, nor shall such information be required to be disclosed in response to a regulatory inspection or inquiry.**

**490.753. As used in sections 490.750 to 490.765, the following terms mean:**

**(1) "Environmental audit", a voluntary internal evaluation of one or more facilities, processes or activities regulated under the environmental laws of the United States, this state or a political subdivision thereof, or of management systems related to such facility, process or activity, that is designed to determine compliance with such laws. An environmental audit may be conducted by the owner or operator, by the owner's or operator's employees or by independent contractors;**

**(2) "Environmental audit report", a set of documents prepared as a result of an environmental audit, including all information and documents generated and collected by the auditor which may be based upon and may include, but shall not be limited to field notes and records of observations, samples, analytical results, findings, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs and surveys, interviews, discussions, correspondence and communications related to the environmental audit; provided that such supporting information is collected or developed for the primary purpose and in the course of an environmental audit. An environmental audit report, when completed, may have three components:**

**(a) An audit report prepared by the auditor, which may include the scope of the audit, the information gained in the audit, conclusions and recommendations, together with exhibits and appendices;**

**(b) Memoranda and documents analyzing portions or all of the audit report and discussing potential implementation issues; and**

**(c) An implementation plan that addresses correcting past noncompliance, improving current compliance or preventing future noncompliance;**

**(3) "Waive" or "waiver", disseminating the environmental audit or environmental audit report in whole or in part to someone other than the owner or operator of the facility and its employees, agents, affiliates and successors in interest, the auditor and its employees, agents, subcontractors and successors in interest, current or prospective lending institutions of the owner or operator where disclosure is required as a condition of lending, and a prospective purchaser where disclosure is made under a confidentiality agreement. Waiver does not occur when:**

**(a) The facility owner or operator or the auditor is compelled by an administrative body or court of competent jurisdiction to disclose all or part of the environmental audit or environmental audit report;**

**(b) Dissemination of the environmental audit or environmental audit report, in whole or in part, is done to prevent noncompliance or improve compliance with federal, state or local environmental laws.**

**490.755. 1. The privilege described in subsection 2 of section 490.750 does not apply to the extent that it is waived by the owner or operator of a facility at which an environmental audit was conducted and such owner or operator prepared or caused to be prepared the environmental audit report as a result of the audit.**

**2. In any proceeding before a court or administrative body, after in camera review consistent with rules of procedure, the court or administrative body may require disclosure of material for which the privilege described in subsection 2 of section 490.750 is asserted, if the court or administrative body determines that:**

**(1) The privilege is asserted for a fraudulent purpose;**

**(2) The material is not subject to the privilege; or**

**(3) Even if subject to the privilege, the material reasonably tends to show noncompliance with the environmental laws of the United States, the state of Missouri or a political subdivision thereof, and the party asserting the privilege did not exercise ordinary care to initiate and pursue compliance upon discovery of noncompliance. Such a determination shall not constitute a final judgment regarding compliance.**

3. A party asserting the environmental audit privilege described in subsection 2 of section 490.750 has the burden of demonstrating the applicability of the privilege, including if there is evidence of noncompliance with applicable environmental laws, proof that the party exercised ordinary care to initiate and pursue compliance upon discovery of noncompliance; provided, however, that a party seeking disclosure pursuant to subdivision (1) of subsection 2 of this section has the burden of proving that the privilege is asserted for a fraudulent purpose and, in a criminal proceeding, the state has the burden of proving the conditions for disclosure set forth in subdivision (2) of subsection 2 of this section.

490.757. 1. The state, having probable cause to believe a criminal offense has been committed under the environmental laws of the state of Missouri based upon information obtained from a source independent of an environmental audit report, may obtain an environmental audit report for which a privilege is asserted pursuant to subsection 2 of section 490.750 pursuant to discovery as allowed by the Missouri supreme court rules. The state shall immediately place the report under seal and shall not review or disclose the contents of the report until ordered by a court or until the privilege is waived. The burden shall be on the state to show the information came from a source independent of an environmental audit report.

2. Within thirty days of the state obtaining an environmental audit report, the owner or operator who prepared or caused to be prepared the report may file with the appropriate court a petition requesting an in camera review in accordance with subsection 4 of this section on whether the environmental audit report or portions thereof are privileged or subject to disclosure pursuant to sections 490.750 to 490.765.

3. In a civil or administrative proceeding, the existence of an environmental audit report is subject to disclosure to the inquiring litigant. The party in possession of such report may assert the privilege in any response made. The party in possession is not required to provide the inquiring party with a copy of such report. The inquiring party may file, with the appropriate court or administrative body, a petition requesting an in camera review in accordance with subsection 4 of this section on whether the environmental audit report or portions thereof are privileged or subject to disclosure pursuant to sections 490.750 to 490.765. Failure by the inquiring party to file such petition shall forfeit the party's argument that the report is not privileged.

4. Upon filing of a petition for in camera review, the court or administrative body shall issue an order scheduling an in camera review within forty-five days of the filing of the petition to determine whether the environmental audit report or portions thereof are privileged or subject to disclosure pursuant to sections 490.750 to 490.765. In the case of a criminal proceeding, such order shall allow the prosecuting attorney, circuit attorney or attorney general to remove the seal from the report to review the report and shall place appropriate limitations on the distribution and review of the report to protect against unnecessary disclosure. The prosecuting attorney, circuit attorney or attorney general may consult with law enforcement agencies regarding the contents of the report as necessary to prepare for the in camera review. The information used in preparation for the in camera review shall not be used in any investigation or in any legal proceeding and shall otherwise be kept confidential, unless and until such information is found by the court or administrative body to be subject to disclosure.

5. In the case of a civil or administrative proceeding, the court or administrative body shall issue such order as is appropriate regarding whether the information in the report is subject to disclosure. The court or administrative body may place appropriate limitations on the distribution and review of the report to protect against unnecessary disclosure.

6. In any civil, criminal or administrative proceeding, failure to comply with the review, disclosure or use prohibitions of this section shall be the basis for suppression of any evidence arising or derived from the unauthorized review, disclosure or use. The party failing to comply with this section shall have the burden of proving that proffered evidence did not arise and was not derived from the unauthorized activity.

7. The parties may at any time stipulate to entry of an order directing that specific information contained in an environmental audit report is or is not subject to the privilege provided in subsection 2 of section 490.750.

8. Upon making a disclosure determination pursuant to subsection 2 of section 490.755, the court or administrative body may compel the disclosure only of those portions of an environmental audit report relevant to issues in dispute in the proceeding.

9. If the order requiring disclosure is made by an administrative body, the aggrieved party may seek an immediate appeal to a court of competent jurisdiction. Such appeal shall be filed within ten days after receipt of the order requiring disclosure and shall serve as an immediate stay of the order requiring disclosure.

10. Any public entity, public employee, or public official who divulges all or any part of the information contained in an environmental audit report in violation of the provisions of this section or knowingly divulges or disseminates all or any part of the information contained in an environmental audit report that was provided to such public entity, public employee or public official in violation of the provisions of this section is guilty of a class

A misdemeanor.

11. Any disclosure or dissemination described in this section shall not abrogate the privilege afforded by section 490.750, provided the environmental audit report otherwise meets the requirements of sections 490.750 to 490.765.

490.759. The privilege described in subsection 2 of section 490.750 shall not extend to:

(1) Documents, communications, data, reports, or other information required to be collected, developed, maintained, reported or otherwise made available to a regulatory agency pursuant to the environmental laws, ordinances, regulations, permits or orders of the United States, this state, or a political subdivision thereof. This subsection shall not exclude from the privilege any observations, findings, opinions, suggestions or conclusions derived from the above by the state auditor;

(2) Information obtained by observation, sampling or monitoring by any regulatory agency; or

(3) Information obtained from a source independent of the environmental audit or the environmental audit report.

490.762. 1. For the purposes of this section, a disclosure of information by a person or entity to any division or agency within the department of natural resources regarding any information related to an environmental law is voluntary if all of the following are true:

(1) The disclosure is made promptly after knowledge of the information disclosed is obtained by the person or entity;

(2) The disclosure arises out of an environmental audit;

(3) The person or entity making the disclosure initiates an appropriate effort to achieve compliance, pursues compliance with due diligence and corrects the noncompliance within two years after the completion of the environmental audit. Where such evidence shows the noncompliance is the failure to obtain a permit, appropriate efforts to correct the noncompliance may be demonstrated by the submittal of a complete permit application within a reasonable time; and

(4) The person or entity making the disclosure cooperates with the appropriate division or agency in the department of natural resources regarding investigation of the issues identified in the disclosure.

2. For the purposes of subdivision (3) of subsection 1 of this section, upon application to the department of natural resources, the time period within which the noncompliance is required to be corrected may be extended by the department if it is not practicable to correct the noncompliance within the two-year period. A request for a de novo review of the decision of the department of natural resources may be made to the appropriate court.

3. If a person or entity is required to make a disclosure to a division or program within the department of natural resources under a specific permit condition or under an order issued by the division or program, the disclosure is not voluntary with respect to that division or program.

4. If any person or entity makes a voluntary disclosure of an environmental violation to a division or program within the department of natural resources, the department shall not seek any administrative or civil penalties associated with the issues disclosed from the person or entity nor shall the department seek any criminal penalties for negligent acts associated with the issues disclosed. The person or entity shall provide information supporting its claim that the disclosure is voluntary at the time that the disclosure is made to the division or program; in so doing, the person or entity creates a rebuttable presumption that the disclosure is voluntary.

5. To rebut the presumption that a disclosure is voluntary, the appropriate division or program shall show to the satisfaction of the respective commission in the department of natural resources, or to the department if the program is not under a commission, that the disclosure was not voluntary based upon the factors set forth in subdivisions (1), (2) and (3) of subsection 1 of this section. A decision by the commission regarding the voluntary nature of a disclosure is final agency action. The division or program shall not include any administrative penalty or seek a civil penalty or a criminal conviction for negligent acts on any underlying environmental violation that is alleged absent a finding by the respective commission that the division or program has rebutted the presumption of voluntariness of the disclosure. The burden to rebut the presumption of voluntariness is on the division or program. A commission decision, or a department decision for a program not under a commission, regarding voluntariness may be appealed to a court of competent jurisdiction by the person or entity making the initial disclosure. Such an appeal shall be filed within ten days after receipt of the order regarding voluntariness and shall serve as an immediate stay of the order regarding voluntariness.

6. The prohibition against administrative, civil, or criminal penalties pursuant to this section does not apply if a person or entity has been found by a court or administrative body to have committed serious violations that constitute a pattern of continuous or repeated violations of environmental laws, rules, regulations, permit conditions, settlement agreements or orders on consent and that were due to separate and distinct events giving

rise to the violations, within the three-year period prior to the date of the disclosure. Such a pattern of continuous or repeated violations may also be demonstrated by multiple settlement agreements related to substantially the same alleged violations concerning serious instances of noncompliance with environmental laws that occurred within the three-year period immediately prior to the date of the voluntary disclosure.

7. Except as specifically provided in this section, this section does not affect any authority the department of natural resources has to require any action associated with the information disclosed in any voluntary disclosure of an environmental violation.

490.765. Nothing in sections 490.750 to 490.765 shall limit, forfeit or abrogate the scope or nature of any statutory or common law privilege, including the critical self-analysis or self-evaluative privilege, the work product doctrine, and the attorney-client privilege."; and

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

**HCS SS SCS SB 36, as amended, with House Amendment No. 4 pending, was laid over.**

### **REFERRAL OF HOUSE JOINT RESOLUTION**

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

**HJR 26 - Budget**

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SCS SB 69 - Budget (Fiscal Note)**

**HCS SCS SB 246 - Budget (Fiscal Note)**

**HCS SS SS SCS SBs 556 & 311 - Budget (Fiscal Note)**

### **COMMITTEE REPORT**

**Committee on Administration and Accounts, Chairman Miller reporting:**

Madam Speaker: Your Committee on Administration and Accounts, to which was referred **HCR 32**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **HOUSE CONCURRENT RESOLUTION NO. 32**

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents



as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; 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 for the Commissioner of Administration.

### **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 HS HB 1**, entitled:

An act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 HS HB 2**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 9, Senate Amendment No. 10 and Senate Amendment No. 11.

#### *Senate Amendment No. 9*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 2, Page 15, Section 2.280, by deleting all of said section and inserting in lieu thereof the following,

"Section 2.280. To the Department of Elementary and Secondary Education  
For a task force on blind student academic and vocational performance  
From General Revenue Fund . . . . . \$95,000"

and amend bill totals accordingly.

*Senate Amendment No. 10*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 18, by deleting the words "General Revenue" and inserting in lieu thereof "state school moneys"; and

Further amend said section, Line 24, by deleting the words "General Revenue" and inserting in lieu thereof "state school moneys".

*Senate Amendment No. 11*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 4, by deleting the number "\$1,656,625,892" and inserting in lieu thereof the number "\$1,563,492,767"; and

Further amend said section, Line 5, by deleting the number "\$344,741,466" and inserting in lieu thereof the number "\$337,874,571"; and

Further amend said section, Line 12, by deleting the number "\$2,029,959,803" and inserting in lieu thereof the number "\$1,929,959,803"; and

Further amend said bill, Page 16, Section 2.305, Line 5, by deleting the number "\$1,746,593,075" and inserting in lieu thereof the number "\$1,646,593,075" and amend bill totals 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 HS HB 3**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 4.

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 3, Page 7, Section 3.135, Lines 20-24, by deleting all of said lines and inserting in lieu thereof the following;

"For Regional Technical Education Initiatives  
From General Revenue Fund . . . . . 19,969,650".

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 HS HB 5**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 5, Page 19, Section 5.445, Lines 13-15, by deleting all of said lines 13-15 and inserting in lieu thereof the following;

“Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation”.

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 HS HB 6**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 6, Page 8, Section 6.100, Line 6, by deleting the number “1,174,562” and replacing it with “1,297,064”; and

Further amend Page 8, Line 13, by deleting the number “\$5,635,886” and replacing it with number “\$5,758,388” and deleting “(Not to exceed 79.00 F.T.E.)” and replace it with “(Not to exceed 82.00 F.T.E.)”.

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 HS HB 7**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 HS HB 8**, entitled:

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

June 30, 2004.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 8, Page 11, Section 8.165, Line 6, by deleting the number "1,715,512" and insert in lieu thereof the number "1,926,375" and adjust the totals 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 HS HB 9**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 9, Page 12, Section 9.425, Line 10, by deleting the number "\$20,774,183" and inserting in lieu thereof the number "22,302,979"; and

Further amend said section, Line 16, by deleting the number "22,786,379" and inserting in lieu thereof the number "24,315,175" and adjust bill totals 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 HS HB 10**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 10, Page 16, Section 10.610, Lines 16-19, by deleting said lines and inserting in lieu thereof the following: "for persons with autism and their families"; and

Further amend said section, Line 13, by deleting said line and inserting in lieu thereof the following:

"In-home services/choices for families, contingent upon the availability of additional new revenue for fiscal year 2004 authorized in legislation in 2003 by the 92<sup>nd</sup> General Assembly and approved by the Governor and/or voters"; and

Further amend said bill, Page 8, Section 10.210, Line 7, by deleting the number "190,069" and inserting in lieu thereof the number "190,669"; and

Further amend said section, Line 9, by deleting the number "2,653,202" and inserting in lieu thereof the number "2,653,802".

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 10, Page 16, Section 10.410, Line 4, by adding at the end of said line the following "; and provided that residential services for non-Medical eligibles shall not be reduced below the prior year expenditure".

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 HS HB 11**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 5.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 11, Page 17, Section 11.265, Line 5, by inserting immediately after said line the following new lines:

"For the purpose of funding independent living placements and transitional living payment services, contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters  
From General Revenue Fund . . . . . \$1,777,894"  
and adjust bill totals accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 11, Page 17, Section 11.255, Line 23, by inserting after said line the following lines:

"For the purpose of funding the CHOICES program, contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters  
From General Revenue Fund . . . . . \$648,792"  
and adjust bill totals accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 11, Page 8, Section 11.105, Line 9, by deleting the number "\$27,948,342" and inserting the number "\$28,482,440"; and

Further amend said section, Line 10, by deleting the number "60,734,831" and inserting the number "60,983,407"; and

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Further amend said section, Line 11, by deleting the number "4,398,163" and inserting the number "4,418,682"; and

Further amend said section, Line 13, by deleting the number "663,295" and inserting the number "675,041"; and

Further amend said section, Line 14, by deleting the number "28,252" and inserting the number "28,749"; and

Further amend said bill, Page 15, Section 11.240, Line 9, by deleting the number "\$25,022,787" and inserting the number "\$25,579,261"; and

Further amend said section, Line 10, by deleting the number "38,515,828" and inserting the number "38,775,468"; and

Further amend said section, Line 11, by deleting the number "4,461,573" and inserting the number "4,482,081"; and

Further amend said section, Line 13, by deleting the number "49,718" and inserting the number "61,994"; and

Further amend said section, Line 14, by deleting the number "28,209" and inserting the number "28,749"; and

Further amend said bill, Page 1, Section 11.005, by deleting the number "603,097" and inserting the number "403,097"; and

Further amend said bill, Page 4, Section 11.035, Line 7, by deleting the number "1,989,785" and inserting the number "1,789,785"; and

Further amend said bill, Section 11.055, Page 5, Line 6, by deleting the number "6,120,456" and inserting the number "5,429,884"; and adjust bill totals accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 11, Page 31, Section 11.475, Line 47, by deleting the words "for hospital-employed, Medicaid enrolled physicians in the emergency department", and inserting in lieu thereof "costs incurred by hospitals for the staffing of the emergency department with Medicaid enrolled physicians,".

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 HS HB 12**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 12, Page 8, Section 12.300, Line 6, by deleting the number "\$3,763,491" and inserting in lieu thereof the number "\$4,050,444"; and

Further amend said section, Line 9, by deleting the number "\$3,888,491" and inserting in lieu thereof the number "\$4,175,444"; and

Further amend said bill by adding the following new section:

"Section 12.303. To the Supreme Court

For the purpose of funding all grants and contributions of funds from the federal government or from any other source which may be deposited in the state treasury for the use of the Supreme Court  
Personal Service. . . . . \$430,000  
From Federal and other Funds (Not to exceed 8.00 FTE) . . . . . \$430,000"; and

Further amend said bill by adding the following new section:

"Section 12.305. To the Supreme Court

For participation by the State of Missouri in the National Center for State Courts  
From General Revenue Fund. . . . . \$136,137"; and

Further amend said bill, Page 10, Section 12.340, Line 6, by deleting the number "2,919,828" and inserting in lieu thereof the number "\$3,371,833"; and

Further amend said bill, Page 10, Section 12.345, Line 6, by deleting the number "\$3,818,570" and inserting in lieu thereof the number "\$4,270,921" ; and

Further amend said bill, page 11, Section 12.350, Line 6, by deleting the number "1,985,045" and inserting in lieu thereof the number "\$2,223,732"; and adjust bill totals 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 HCS HB 13**, entitled:

An act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2005.

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 refuses to concur in **HS SCS SBs 299 & 40, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

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

Senate refuses to concur in **HCS SB 401**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 407**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 552**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, April 29, 2003.

### **CORRECTIONS TO THE HOUSE JOURNAL**

#### **AFFIDAVITS**

I, State Representative Harold R. Selby, District 105, hereby state and affirm that my vote as recorded on Page 1249 of the House Journal for Thursday, April 24, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 28th day of April 2003.

/s/ Harold R. Selby  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----

I, State Representative Vicki Walker, District 50, hereby state and affirm that my vote as recorded on Pages 1252 and 1270 of the House Journal for Thursday, April 24, 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 28th day of April 2003.



/s/ Vicki Walker  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole        )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative Bill Deeken, District 114, hereby state and affirm that my vote as recorded on Pages 1254 and 1300 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Bill Deeken  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole        )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative Carl Bearden, District 16, hereby state and affirm that my vote as recorded on Page 1257 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Carl Bearden  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole        )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

1346 *Journal of the House*

I, State Representative Steve Hobbs, District 21, hereby state and affirm that my vote as recorded on Pages 1259 and 1288 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Steve Hobbs  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----  
I, State Representative Dennis F. Wood, District 62, hereby state and affirm that my vote as recorded on Pages 1259 and 1277 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Dennis F. Wood  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----  
I, State Representative Kevin Threlkeld, District 109, hereby state and affirm that my vote as recorded on Pages 1261, 1262 and 1264 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Kevin Threlkeld  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
\_\_\_\_\_

I, State Representative Yvonne S. Wilson, District 42, hereby state and affirm that my vote as recorded on Pages 1261 and 1286 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Yvonne S. Wilson  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
\_\_\_\_\_

I, State Representative Jerry Bough, District 142, hereby state and affirm that my vote as recorded on Page 1264 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Jerry Bough  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
\_\_\_\_\_

I, State Representative Jason Brown, District 30, hereby state and affirm that my vote as recorded on Page 1264 of the House Journal for Thursday, April 24, 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.

/s/ Jason Brown  
State Representative

/s/ Stephen S. Davis  
Chief Clerk

/s/ Bob May  
State Representative

/s/ Stephen S. Davis  
Chief Clerk

/s/ Philip Willoughby  
State Representative[illegible]

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative David Pearce, District 121, hereby state and affirm that my vote as recorded on Pages 1267 and 1291 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ David Pearce  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Maynard Wallace, District 143, hereby state and affirm that my vote as recorded on Pages 1269, 1279 and 1286 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Maynard Wallace  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Brian Yates, District 56, hereby state and affirm that my vote as recorded on Pages 1269 and 1294 of the House Journal for Thursday, April 24, 2003 showing that I voted absent with leave and no, respectively was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye and 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 28th day of April 2003.

/s/ Brian Yates  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----

I, State Representative Tom Dempsey, District 18, hereby state and affirm that my vote as recorded on Pages 1272 and 1273 of the House Journal for Thursday, April 24, 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 28 day of April 2003.

/s/ Tom Dempsey  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28 day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----

I, State Representative Steve Hunter, District 127, hereby state and affirm that my vote as recorded on Pages 1273 and 1285 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Steve Hunter  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Rod Jetton, District 156, hereby state and affirm that my vote as recorded on Page 1273 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Rod Jetton  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Ronnie Miller, District 133, hereby state and affirm that my vote as recorded on Page 1273 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Ronnie Miller  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Yvonne S. Wilson, District 42, hereby state and affirm that my vote as recorded on Page 1273 of the House Journal for Thursday, April 24, 2003 showing that I voted no was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted 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 28th day of April 2003.

/s/ Yvonne S. Wilson  
State Representative

1352 *Journal of the House*

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Rex Rector, District 124, hereby state and affirm that my vote as recorded on Page 1276 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Rex Rector  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Mike Daus, District 67, hereby state and affirm that my vote as recorded on Pages 1277 and 1281 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Mike Daus  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Barbara Wall Fraser, District 83, hereby state and affirm that my vote as recorded on Page 1277 of the House Journal for Thursday, April 24, 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



IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 28th day of April 2003.

[illegible]

/s/ Stephen S. Davis  
Chief Clerk

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 28th day of April 2003.

[illegible]

/s/ Stephen S. Davis  
Chief Clerk

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 28th day of April 2003.

State of Missouri                    )  
   ) ss.  
County of Cole                      )

1354 *Journal of the House*

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
-----

I, State Representative Jay Wasson, District 141, hereby state and affirm that my vote as recorded on Page 1283 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Jay Wasson  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
-----

I, State Representative Mark J. Bruns, District 113, hereby state and affirm that my vote as recorded on Pages 1288 and 1295 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Mark J. Bruns  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
-----

I, State Representative Jerry King, District 125, hereby state and affirm that my vote as recorded on Pages 1288 and 1300 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Jerry King  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative Jason Crowell, District 158, hereby state and affirm that my vote as recorded on Pages 1291 and 1292 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Jason Crowell  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative Scott T. Rupp, District 13, hereby state and affirm that my vote as recorded on Pages 1291 and 1300 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Scott T. Rupp  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative Amber H. Boykins, District 60, hereby state and affirm that my vote as recorded on Pages 1293, 1294 and 1299 of the House Journal for Thursday, April 24, 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.

/s/ Amber H. Boykins  
State Representative

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

/s/ Ed Emery  
State Representative

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

/s/ Rod Jetton  
State Representative

[illegible]

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Chris Shoemaker, District 8, hereby state and affirm that my vote as recorded on Page 1297 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Chris Shoemaker  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Juanita Walton, District 81, hereby state and affirm that my vote as recorded on Page 1299 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Juanita Walton  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

---

I, State Representative Margaret Donnelly, District 73, hereby state and affirm that my vote as recorded on Page 1300 of the House Journal for Thursday, April 24, 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 28th day of April 2003.

/s/ Margaret Donnelly  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 28th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----

## **COMMITTEE MEETINGS**

### **ADMINISTRATION AND ACCOUNTS**

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 1.  
Discussion on policy changes.  
Executive Session may follow.

### **BUDGET**

Tuesday, April 29, 2003, 8:30 a.m. Hearing Room 3.  
Possible Executive Session. Other bills assigned or referred to committee for fiscal review.  
Public Hearing to be held on: HB 18, HB 698, HB 741, HB 745, SB 243, SCR 13

### **BUDGET**

Wednesday, April 30, 2003, 8:00 a.m. Hearing Room 3.  
Public hearing, fiscal review and possible Executive Session.  
Other bills referred for fiscal review.  
Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26, SB 69,  
SB 243, SB 246, SB 556

### **BUDGET**

Thursday, May 1, 2003, 8:00 a.m. Hearing Room 3.  
Public hearing, fiscal review and possible Executive Session.  
Other bills referred for fiscal review.  
Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26, SB 69,  
SB 243, SB 246, SB 556

### **COMMUNICATIONS, ENERGY AND TECHNOLOGY**

Tuesday, April 29, 2003, 12:00 p.m. Hearing Room 3.  
Possible Executive Session.  
Public Hearing to be held on: SB 555

CONSERVATION AND NATURAL RESOURCES

Wednesday, April 30, 2003, 12:00 p.m. Hearing Room 5.

Executive Session may follow.

Public Hearing to be held on: HB 519, HB 535, HB 740

CORRECTIONS AND STATE INSTITUTIONS

Wednesday, April 30, 2003. Hearing Room 7 upon evening adjournment.

Executive Session will follow.

Public Hearing to be held on: HB 718, SCR 12

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 29, 2003. Hearing Room 4 upon evening adjournment.

Executive Session may follow. AMENDED NOTICE

Public Hearing to be held on: HB 379, HB 709, SB 5, SB 39, SB 184

FINANCIAL SERVICES

Tuesday, April 29, 2003, 12:00 p.m. Hearing Room 6.

Executive Session.

Public Hearing to be held on: HB 460, HB 616

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, April 30, 2003, 8:00 a.m. Hearing Room 1.

Second quarter meeting.

JUDICIARY

Wednesday, April 30, 2003, 12:00 p.m. Hearing Room 1. AMENDED NOTICE

Executive Session may follow on HBs 183, 203, 571, 573, 630, 619, 256 and SB 12.

Public Hearing to be held on: HB 183, HB 203, HB 571, HB 573, HB 630, SB 12

LEGISLATIVE RESEARCH, OVERSIGHT SUBCOMMITTEE

Tuesday, April 29, 2003, 8:00 a.m. Hearing Room 6.

Challenge Fiscal Notes: HS HCS HB 404, 324, 403, 344, 426 & 541. HS HCS HB 321.

LOCAL GOVERNMENT

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 199

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, April 29, 2003, 12:00 p.m. Hearing Room 4. AMENDED NOTICE

Possible Executive Session on HB 717.

Public Hearing to be held on: HB 727, HB 729

**RETIREMENT**

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 7.  
Executive Session may follow.  
Public Hearing to be held on: HCR 20, HCR 24, HCR 25

**SMALL BUSINESS**

Wednesday, April 30, 2003. Hearing Room 4 at noon or upon morning recess.  
Informational meeting.

**SPECIAL COMMITTEE ON URBAN ISSUES**

Tuesday, April 29, 2003, 5:00 p.m. Hearing Room 2 at 5:00 p.m. or upon evening adjournment.  
Executive Session may follow.  
Public Hearing to be held on: HCR 30, SCR 8

**TOURISM AND CULTURAL AFFAIRS**

Tuesday, April 29, 2003, 12:00 p.m. Hearing Room 5.  
Executive Session will follow on SB 438.  
Public Hearing to be held on: SB 438

**HOUSE CALENDAR**

SIXTY-FIRST DAY, TUESDAY, APRIL 29, 2003

**HOUSE BILLS FOR SECOND READING**

HB 755 through 761

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 16 - Bearden
- 2 HCS HB 17 - Bearden
- 3 HCS HB 19 - Bearden
- 4 HCS HB 20 - Bearden

**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 HB 263 - Cooper (120)
- 8 HCS HB 468 - Byrd
- 9 HCS HB 233 - Holand
- 10 HB 471 - Jackson



- 11 HCS HB 47 - Portwood
- 12 HCS HB 507 - Hubbard
- 13 HCS HB 455 - Thompson
- 14 HB 293, HCA 1 - Johnson (47)
- 15 HCS HB 345 - Cunningham (86)
- 16 HCS HB 385 - Cunningham (86)
- 17 HCS HB 447 - Townley
- 18 HCS HB 640 - Walton
- 19 HB 618 - Yates

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

- 1 HB 655 - Wilson (130)
- 2 HCS HB 702 - Schlottach

**HOUSE BILL FOR THIRD READING**

HS HCS HB 404, 324, 403, 344, 426 & 541, (Budget 4-16-03) - Rector

**SENATE BILL FOR THIRD READING - CONSENT**

SB 214, HCA 1 - Byrd

**SENATE BILLS FOR THIRD READING**

- 1 SB 496 - Luetkemeyer
- 2 HCS SB 173 - Walton
- 3 SS#2 SCS SB 55 - Stevenson
- 4 HCS SS SCS SB 36, as amended, HA 4, pending - Myers
- 5 SS SB 34 - Holand
- 6 HCS SS SCS SB 30 - Schneider
- 7 HCS SCS SB 84 - Munzlinger
- 8 HCS SCS SB 686, E.C. - Cunningham (86)
- 9 SCS#2 SB 1 - Luetkemeyer
- 10 SB 540 - Parker
- 11 HCS SB 521 - Byrd
- 12 HCS SS SS SCS SB 556 & 311, E.C. (Budget 4-28-03) - Sutherland
- 13 HCS SCS SB 69, (Budget 4-28-03) - Baker
- 14 SS SB 13 - Byrd
- 15 HCS SS SCS SB 298 - Johnson (47)
- 16 HCS SCS SB 246, (Budget 4-28-03) - Rector
- 17 HCS SB 469 - Byrd

**SENATE BILL FOR THIRD READING - CONSENT - INFORMAL**

SCS SB 237 - Luetkemeyer

### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HS HB 1 - Bearden
- 2 SCS HS HB 2, as amended - Bearden
- 3 SCS HS HB 3, as amended - Bearden
- 4 SCS HS HB 4, as amended - Bearden
- 5 SCS HS HB 5, as amended - Bearden
- 6 SCS HS HB 6, as amended - Bearden
- 7 SCS HS HB 7 - Bearden
- 8 SCS HS HB 8, as amended - Bearden
- 9 SCS HS HB 9, as amended - Bearden
- 10 SCS HS HB 10, as amended - Bearden
- 11 SCS HS HB 11, as amended - Bearden
- 12 SCS HS HB 12, as amended - Bearden
- 13 SCS HCS HB 13 - Bearden

### **BILLS CARRYING REQUEST MESSAGES**

- 1 HS SCS SB 299 & 40, as amended (request House recede/grant conference) - Bearden
- 2 HCS SB 401, (request House recede/grant conference) - Pratt
- 3 HCS SB 407, (request House recede/grant conference) - Luetkemeyer
- 4 HCS SB 552, (request House recede/grant conference) - Byrd

### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 3, (4-23-03, Page 1238) - Townley
- 2 HCR 5, (4-23-03, Page 1239) - Townley
- 3 HCR 32, (4-28-03) - Miller