

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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SIXTY-FIFTH DAY, TUESDAY, MAY 6, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, You have said, "The fear of the Lord is the beginning of wisdom." Help us to honor You this day that we might receive Your knowledge and instruction.

Lord God, the events of the past few days cause us to turn our eyes and hearts toward home and family.

We take a moment to particularly ask Your grace and mercy to cover Representative Ronnie Miller, his family and neighbors as well as all who are devastated by the loss of family and homes.

May there be speedy relief given for disaster victims as well as comfort for grieving hearts. We remember Your Word, which says, "You are a very present help in time of trouble." May Your presence help them to overcome this traumatic experience.

Omniscient Father, only with You is true wisdom. Help us to know Your ways. Have mercy on us to make right decisions today.

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

To You be the glory, both now and forever. In the name of Your son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Paden John, Bradley Minor, Becky Wolverton, Rachel Backes, Jackie Akins, Andrew Huhmann, Don Bracht and Daniel Laurent.

The Journal of the sixty-fourth day was approved as corrected by the following vote:

AYES: 090

Angst	Avery	Baker	Barnitz	Bean
Bivins	Black	Bough	Brown	Bruns
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Green	Guest
Hobbs	Holand	Hoskins	Icet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lawson	Lembke	Liese	Luetkemeyer

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Marsh	May	Mayer	Moore	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Quinn	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Self	Shoemaker	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Thompson	Threlkeld	Townley	Viebrock	Wagner
Wallace	Walton	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Young	Madam Speaker

NOES: 038

Bishop	Bland	Burnett	Campbell	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
George	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Johnson 61	Jones	LeVota	Lowe
Merideth	Muckler	Page	Ransdall	Sager
Schoemehl	Seigfreid	Selby	Villa	Vogt
Walker	Walsh	Ward	Wildberger	Wilson 25
Witte	Yaeger	Zweifel		

PRESENT: 018

Boykins	Bringer	Brooks	Carnahan	Fraser
Hampton	Jolly	Kelly 36	Kratky	Kuessner
McKenna	Meiners	Salva	Shoemyer	Skaggs
Spreng	Whorton	Wilson 42		

ABSENT WITH LEAVE: 017

Abel	Adams	Bearden	Behnen	Byrd
Goodman	Graham	Hubbard	Hunter	Johnson 90
Lipke	Miller	Purgason	Rector	Schneider
Smith 118	Willoughby			

## MOTION

Representative Crowell moved that Rule 113 be suspended in order to receive guests for special recognition.

Which motion was adopted by the following vote:

AYES: 132

Angst	Avery	Baker	Barnitz	Bean
Bivins	Black	Bland	Bough	Boykins
Brown	Bruns	Campbell	Carnahan	Cooper 120
Cooper 155	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Icet	Jackson	Jetton	Johnson 47	Johnson 61
Jolly	Jones	Kelly 144	Kelly 36	King

Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	Liese	Lipke	Luetkemeyer	Marsh
May	Mayer	McKenna	Meiners	Merideth
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Quinn	Ransdall	Reinhart
Richard	Roark	Ruestman	Rupp	Salva
Sander	Schaaf	Schlottach	Schoemehl	Seigfreid
Self	Shoemaker	Shoemyer	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Sutherland	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Wasson	Wilson 119	Wilson 25	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 004

Bishop	Brooks	Selby	Wildberger
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PRESENT: 007

Bringer	Burnett	Corcoran	LeVota	Sager
Skaggs	Whorton			

ABSENT WITH LEAVE: 020

Abel	Adams	Bearden	Behnen	Byrd
Goodman	Graham	Hubbard	Hunter	Johnson 90
Lowe	Miller	Purgason	Rector	Schneider
Stevenson	Taylor	Wallace	Willoughby	Wilson 130

### **SPECIAL RECOGNITION**

Doris Handy was introduced by Representative Moore and recognized as an Outstanding Missourian.

Howard Chrisco was introduced by Representative May and recognized as an Outstanding Missourian.

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

House Resolution No. 2483	-	Representative Rupp
House Resolution No. 2484	-	Representative Donnelly
House Resolution No. 2485	-	Representative Munzlinger
House Resolution No. 2486	-	Representatives Stevenson and Richard
House Resolution No. 2487	-	Representatives George and Walsh
House Resolution No. 2488	-	Representatives Rector and Davis (122)
House Resolution No. 2489	-	Representatives Rector and Sager
House Resolution No. 2490	-	Representatives Rector and Yates
House Resolution No. 2491	-	Representatives Rector and Cooper (120)

House Resolution No. 2492  
through  
House Resolution No. 2499 - Representative Harris (110)  
House Resolution No. 2500  
through  
House Resolution No. 2519 - Representative Moore  
House Resolution No. 2520 - Representative Smith (118)  
House Resolution No. 2521 - Representative Villa  
House Resolution No. 2522  
through  
House Resolution No. 2535 - Representative LeVota  
House Resolution No. 2536 - Representative Harris (110)

### **SECOND READING OF SENATE BILL**

**SB 236** was read the second time.

### **THIRD READING OF SENATE BILL**

**HCS SB 521**, relating to public works contracts, was taken up by Representative Mayer.

**HCS SB 521** was laid over.

### **MESSAGES FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HB 9, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Russell, Gross, Shields, Goode and Dougherty.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HB 10, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Russell, Gross, Shields, Goode and Dougherty.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HB 11, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Russell, Gross, Shields, Goode and Dougherty.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HB 12, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Russell, Gross, Shields, Goode and Dougherty.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SCS HS HB 9:** Representatives Bearden, Lager, Moore, Kelly (36) and Ward

**SCS HS HB 10:** Representatives Bearden, Lager, Purgason, Riback Wilson (25) and Johnson (61)

**SCS HS HB 11:** Representatives Bearden, Lager, Purgason, Campbell and Brooks

**SCS HS HB 12:** Representatives Bearden, Lager, Roark, Donnelly and Bringer

### **MOTION**

Representative Bearden moved that Rule 23 be suspended to allow the House Budget Conferees to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 117

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Bringer	Brooks
Brown	Bruns	Byrd	Campbell	Cooper 120
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
Guest	Harris 110	Hobbs	Holand	Hunter
Icet	Jackson	Jetton	Johnson 47	Johnson 90
Jolly	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	Lembke
Liese	Lipke	Lowe	Marsh	May
Mayer	McKenna	Meiners	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Self	Shoemyer
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Wagner	Wallace	Walton
Wasson	Whorton	Wilson 119	Wilson 130	Wilson 25
Witte	Wood	Wright	Yates	Young
Zweifel	Madam Speaker			

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NOES: 025

Bishop	Bland	Boykins	Burnett	Carnahan
Corcoran	Darrough	Daus	Graham	Green
Haywood	Henke	Hilgemann	Hoskins	Jones
LeVota	Merideth	Salva	Selby	Skaggs
Spreng	Vogt	Walker	Walsh	Yaeger

PRESENT: 003

George	Harris 23	Sager
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ABSENT WITH LEAVE: 018

Abel	Adams	Avery	Barnitz	Cooper 155
Goodman	Hampton	Hubbard	Johnson 61	Luetkemeyer
Miller	Moore	Seigfreid	Shoemaker	Ward
Wildberger	Willoughby	Wilson 42		

### THIRD READING OF SENATE BILL

**HCS SB 521**, was again taken up by Representative Mayer.

Speaker Pro Tem Jetton assumed the Chair.

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

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

NOES: 069

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122

Donnelly	Dougherty	El-Amin	Fraser	George
Graham	Green	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hoskins	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	Lawson	LeVota	Liese	Lowe
McKenna	Meiners	Merideth	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Spreng	Villa
Vogt	Wagner	Walker	Walsh	Walton
Ward	Whorton	Wildberger	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 005

Adams	Goodman	Hubbard	Miller	Willoughby
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On motion of Representative Mayer, **HCS SB 521** was adopted.

On motion of Representative Mayer, **HCS SB 521** was read the third time and passed by the following vote:

AYES: 083

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

NOES: 068

Abel	Baker	Barnitz	Bishop	Bringer
Burnett	Campbell	Carnahan	Corcoran	Curls
Darrough	Daus	Davis 122	Donnelly	Dougherty
Fraser	George	Graham	Green	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	Kratky	Kuessner	Lembke	LeVota
Liese	Lowe	McKenna	Meiners	Merideth
Muckler	Page	Ransdall	Sager	Salva
Schneider	Schoemehl	Seigfreid	Selby	Shoemaker
Shoemyer	Skaggs	Spreng	Thompson	Villa
Vogt	Wagner	Walker	Walsh	Ward

Whorton  
Yaeger

Wildberger  
Young

Wilson 25  
Zweifel

Wilson 42

Witte

PRESENT: 003

El-Amin

Taylor

Walton

ABSENT WITH LEAVE: 009

Adams  
Hubbard

Bland  
Lawson

Boykins  
Miller

Brooks  
Willoughby

Goodman

Speaker Pro Tem Jetton declared the bill passed.

Representative Johnson (90) requested a verification of the roll call on the motion to third read and finally pass **HCS SB 521**.

### 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 adopted **HCS SCS SB 16** and has taken up and passed **HCS SCS SB 16**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 61** and has taken up and passed **HCS SCS SB 61**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 68** and has taken up and passed **HCS SB 68**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 101** and has taken up and passed **HCS SB 101**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 130** and has taken up and passed **HCS SCS SB 130**.

Emergency clause adopted.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 136** and has taken up and passed **HCS SB 136**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 175** and has taken up and passed **HCS SB 175**.



Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SBs 212 & 220** and has taken up and passed **HCS SCS SBs 212 & 220**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 218** and has taken up and passed **HCS SCS SB 218**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 228** and has taken up and passed **HCS SB 228**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 266** and has taken up and passed **HCS SB 266**.

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

#### **AFTERNOON SESSION**

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

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

House Resolution No. 2537	-	Representative Wilson (130)
House Resolution No. 2538	-	Representative Viebrock
House Resolution No. 2539	-	Representative Shoemyer (9)
House Resolution No. 2540	-	Representative Lowe
House Resolution No. 2541	-	Representative Dempsey
House Resolution No. 2542	-	Representative Deeken
House Resolution No. 2543	-	Representatives Deeken and Bruns
House Resolution No. 2544	-	Representative Deeken
House Resolution No. 2545		
through		
House Resolution No. 2548	-	Representative Miller
House Resolution No. 2549	-	Representative Zweifel, et al
House Resolution No. 2550	-	Representative Liese
House Resolution No. 2551	-	Representative Pratt
House Resolution No. 2552		
through		
House Resolution No. 2554	-	Representative Fares
House Resolution No. 2555		
through		
House Resolution No. 2557	-	Representative Schaaf
House Resolution No. 2558	-	Representative Jetton
House Resolution No. 2559	-	Representative Lowe

House Resolution No. 2560  
through  
House Resolution No. 2564 - Representative Witte

Speaker Pro Tem Jetton resumed the Chair.

### **BILLS CARRYING REQUEST MESSAGES**

**HCS SB 186**, relating to recorders of deeds, was taken up by Representative Munzlinger.

Representative Munzlinger moved that the House refuse to recede from its position on **HCS SB 186** and request the Senate to adopt **HCS SB 186** and take up and pass the bill.

Which motion was adopted.

**HCS SCS SB 379**, relating to community improvement districts, was taken up by Representative Wright.

Representative Wright moved that the House refuse to recede from its position on **HCS SCS SB 379** and grant the Senate a conference.

Which motion was adopted.

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

Representative Myers moved that the House refuse to recede from its position on **HCS SS SCS SB 36, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Hanaway resumed the Chair.

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

**SS SCS HCS HB 289, as amended**, relating to the Missouri Downtown Economic Stimulus Act, was taken up by Representative Dempsey.

Representative Dempsey moved that the House refuse to adopt **SS SCS HCS HB 289, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference and the House conferees be allowed to exceed the differences by adding language to provide natural disaster relief.

Which motion was adopted.

**SS SCS HS HB 511, as amended**, relating to elections, was taken up by Representative Deeken.

Representative Deeken moved that the House refuse to adopt **SS SCS HS HB 511, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

Representative Behnen assumed the Chair.

### **THIRD READING OF HOUSE BILLS - FEDERAL MANDATE**

**HB 655**, relating to special education services, was taken up by Representative Wilson (130).

On motion of Representative Wilson (130), **HB 655** was read the third time and passed by the following vote:

AYES: 146

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

## 1561 *Journal of the House*

NOES: 002

Byrd Holand

PRESENT: 001

Wilson 42

ABSENT WITH LEAVE: 014

Adams	Barnitz	Bivins	Cunningham 86	Dougherty
Goodman	Green	Hubbard	McKenna	Miller
Moore	Viebrock	Wagner	Willoughby	

Representative Behnen declared the bill passed.

Speaker Hanaway resumed the Chair.

**HCS HB 702**, relating to commercial drivers' licenses, was taken up by Representative Schlottach.

On motion of Representative Schlottach, **HCS HB 702** was read the third time and passed by the following vote:

AYES: 148

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

Young Zweifel Madam Speaker

NOES: 000

PRESENT: 001

Taylor

ABSENT WITH LEAVE: 014

Adams	Boykins	Dougherty	Goodman	Green
Henke	Hubbard	Hunter	McKenna	Miller
Moore	Viebrock	Wagner	Willoughby	

Speaker Hanaway declared the bill passed.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HCS SS SCS SB 36:** Representatives Myers, Wood, Townley, Shoemyer (9) and Bringer

**HCS SCS SB 379:** Representatives Wright, Morris, Dixon, George and Salva

### **THIRD READING OF SENATE CONCURRENT RESOLUTION**

**SS SCS SCR 13, with House Committee Amendment No. 1**, relating to competition and privatization, was taken up by Representative Richard.

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

On motion of Representative Richard, **SS SCS SCR 13, as amended**, was read the third time and passed by the following vote:

AYES: 094

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	Emery
Engler	Ervin	Fares	Guest	Hobbs
Holand	Hoskins	Hunter	Icet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Kratky	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Merideth	Moore
Morris	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Schneider	Self	Shoemaker	Shoemyer
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson

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Sutherland	Taylor	Thompson	Threlkeld	Townley
Wallace	Walton	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

NOES: 051

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Donnelly
El-Amin	Fraser	Graham	Green	Harris 110
Henke	Hilgemann	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kuessner	LeVota	Liese
Lowe	Meiners	Muckler	Sager	Salva
Schoemehl	Seigfreid	Selby	Skaggs	Villa
Vogt	Walker	Walsh	Ward	Wildberger
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

PRESENT: 009

Davis 122	George	Hampton	Harris 23	McKenna
Ransdall	Spreng	Wagner	Whorton	

ABSENT WITH LEAVE: 009

Adams	Dougherty	Goodman	Haywood	Hubbard
Lawson	Miller	Viebrock	Willoughby	

Speaker Hanaway declared the bill passed.

### THIRD READING OF HOUSE BILLS

**HS HCS HB 455**, relating to health insurance, was taken up by Representative Thompson.

On motion of Representative Thompson, **HS HCS HB 455** was read the third time and passed by the following vote:

AYES: 127

Abel	Avery	Baker	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bland
Bough	Boykins	Bringer	Brooks	Brown
Bruns	Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Donnelly	Dusenberg
El-Amin	Engler	Fares	Fraser	George
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Jackson	Jetton	Johnson 47	Johnson 61
Jolly	Jones	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Marsh	May
Mayer	McKenna	Meiners	Merideth	Muckler
Munzlinger	Myers	Page	Parker	Pearce

Phillips	Portwood	Quinn	Ransdall	Reinhart
Richard	Roark	Ruestman	Sager	Salva
Sander	Schaaf	Schlottach	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Smith 118
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Thompson	Threlkeld	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Wildberger	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Young
Zweifel	Madam Speaker			

NOES: 019

Angst	Cunningham 145	Dixon	Emery	Ervin
Icet	Kelly 144	Luetkemeyer	Morris	Nieves
Pratt	Purgason	Rector	Rupp	Smith 14
Taylor	Townley	Wilson 119	Yates	

PRESENT: 004

Burnett	Johnson 90	Skaggs	Whorton
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ABSENT WITH LEAVE: 013

Adams	Barnitz	Dougherty	Goodman	Graham
Hubbard	Hunter	Lawson	Miller	Moore
Schneider	Viebrock	Willoughby		

Speaker Hanaway declared the bill passed.

**HCS HB 640**, relating to Emancipation Day, was taken up by Representative Walton.

On motion of Representative Walton, **HCS HB 640** was read the third time and passed by the following vote:

AYES: 145

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Brown	Bruns	Burnett	Byrd
Campbell	Carnahan	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Deeken	Dempsey
Dixon	Donnelly	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Icet	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	McKenna	Meiners
Merideth	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Ransdall	Rector

Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Thompson	Threlkeld	Townley	Villa	Vogt
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Adams	Davis 19	Dethrow	Dougherty	Goodman
Graham	Green	Hubbard	Hunter	Lawson
Mayer	Miller	Moore	Morris	Smith 118
Viebrock	Wagner	Willoughby		

Speaker Hanaway declared the bill passed.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 84**, relating to tax credits, was taken up by Representative Munzlinger.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84, Pages 3-4, Section 348.430, Lines 1-54, by striking all of said section from the bill; and

Further amend said bill, Pages 4-7, Section 348.432, Lines 1-84, by striking all of said section from the bill and inserting in lieu thereof the following:

"348.430. 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

2. As used in this section, the following terms mean:

- (1) "Authority", the agriculture and small business development authority as provided in this chapter;
- (2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;
- (3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;
- (4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;
- (5) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:
  - (a) Hold a majority of the governance or voting rights of the entity and any governing committee;
  - (b) Control the hiring and firing of management; and



(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(6) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For **all tax [year] years beginning on or after January 1, 1999**, a contributor who contributes funds to the authority may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such contribution. **Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to this subsection.** The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill. A contributor that receives tax credits for a contribution provided in this section may not be a member, owner, investor or lender of an eligible new generation cooperative or eligible new generation processing entity that receives financial assistance from the authority either at the time the contribution is made or for a period of two years thereafter.

4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section [shall initially] **may** be claimed in the taxable year in which the contributor contributes funds to the authority. [Any amount of credit that exceeds the tax due for a contributor's taxable year] **Tax credits allowed pursuant to this section may immediately be carried back to any of the contributor's three prior tax years and** may be carried forward to any of the contributor's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred or sold. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407, to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility and approved by the authority;

(4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(5) "Employee-qualified capital project", an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least [one hundred] **sixty** employees;

(6) "Large capital project", an eligible new generation cooperative with capital costs greater than one million dollars;

(7) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

(8) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

(9) "Small capital project", an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and ending December 31, 2002, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative **or eligible new generation processing entity** may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars. **Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section.**

5. A producer member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the producer member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section [shall initially be claimed in the taxable year in which the producer member contributes capital to an eligible new generation cooperative or eligible new generation processing entity. Any amount of credit that exceeds the tax due for a producer member's taxable year] may be carried back to any of the producer member's three prior taxable years and carried forward to any of the producer member's five subsequent taxable years **regardless of the type of tax liability to which such credits are applied as authorized pursuant to subsection 3 of this section.** Tax credits issued pursuant to this section may be assigned, transferred, sold or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the producer member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

6. Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for small capital projects.

7. Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects."; and

Further amend the title and enacting clause accordingly.

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

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

Representative Stevenson raised a point of order that **House Amendment No. 2** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Stevenson raised a point of order that **House Amendment No. 3** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Stevenson raised a point of order that **House Amendment No. 4** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Stevenson raised a point of order that **House Amendment No. 5** amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative Munzlinger, **HCS SCS SB 84, as amended**, was adopted.

On motion of Representative Munzlinger, **HCS SCS SB 84, as amended**, was read the third time and passed by the following vote:

AYES: 138

Abel	Angst	Avery	Baker	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brown	Bruns
Burnett	Byrd	Campbell	Carnahan	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	Fraser	George	Graham	Guest
Harris 110	Harris 23	Henke	Hilgemann	Hobbs

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Holand	Hoskins	Icet	Jackson	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	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schlottach	Schneider	Schoemehl	Seigfreid
Self	Shoemaker	Skaggs	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Thompson	Threlkeld	Townley	Villa	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Wood	Wright	Yaeger
Yates	Zweifel	Madam Speaker		

NOES: 003

Selby	Vogt	Young
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PRESENT: 003

Brooks	Shoemyer	Witte
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ABSENT WITH LEAVE: 019

Adams	Barnitz	Boykins	Cooper 120	Dougherty
Goodman	Green	Hampton	Haywood	Hubbard
Hunter	Jetton	Lawson	Miller	Moore
Schaaf	Smith 118	Viebrock	Willoughby	

Speaker Hanaway declared the bill passed.

Representative Nieves assumed the Chair.

Speaker Pro Tem Jetton resumed the Chair.

**HCS SCS SB 69**, relating to small business, was taken up by Representative Baker.

On motion of Representative Baker, **HCS SCS SB 69** was adopted.

On motion of Representative Baker, **HCS SCS SB 69** was read the third time and passed by the following vote:

AYES: 137

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Bringer	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145

Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	Graham	Guest
Harris 110	Harris 23	Henke	Hilgemann	Hobbs
Hoskins	Ice	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Merideth	Morris	Muckler	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Skaggs	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Taylor	Thompson
Threlkeld	Townley	Villa	Vogt	Wallace
Walsh	Walton	Wasson	Whorton	Wildberger
Wilson 119	Wilson 130	Wilson 25	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 000

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 025

Adams	Boykins	Cooper 120	Dougherty	George
Goodman	Green	Hampton	Haywood	Holand
Hubbard	Hunter	Jetton	Kratky	Miller
Moore	Rector	Shoemyer	Smith 118	Sutherland
Viebrock	Wagner	Walker	Ward	Willoughby

Speaker Pro Tem Jetton declared the bill passed.

**HCS SCS SB 246**, relating to the regulation of utilities, was taken up by Representative Rector.

Representative Rector offered **HS HCS SCS SB 246**.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 9, Section 386.374, Line 22, by inserting after all of said line the following:

"386.756. 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or subsection 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services

unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. **The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.**

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. **The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.**

10. Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility has waived its claim of exemption pursuant to subsection 7 of this section.

11. A utility which sells gas fired appliances shall perform all installation, maintenance and service of said appliances with its own employees."; and

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

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

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

Representative Yates raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

**HCS SCS SB 246, with HS, as amended, pending,** was laid over.

Speaker Hanaway resumed the Chair.

**HCS SCS SB 246, with HS, as amended, pending**, was again taken up by Representative Rector.

**HCS SCS SB 246, with HS, as amended, pending**, was laid over.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

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

- HCR 33** - Tourism and Cultural Affairs
- HCR 34** - Homeland Security and Veterans Affairs
- HCR 35** - Homeland Security and Veterans Affairs
- HCR 36** - Conservation and Natural Resources

#### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

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

- SCR 5** - Children and Families
- SCR 6** - Senior Security
- SCR 9** - Senior Security

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

- SS#2 SB 695** - Budget

#### **COMMITTEE REPORT**

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

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 697**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **MESSAGE FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS#2 SB 52**, and has taken up and passed **CCS HCS SCS#2 SB 52**.

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 407**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 407 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 407;
2. That the Senate recede from its position on Senate Bill No. 407;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 407, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Klindt  
/s/ John Loudon  
/s/ Delbert Scott  
/s/ Harry Kennedy  
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Blaine Luetkemeyer  
/s/ Sherman Parker  
/s/ Ronald Richard  
/s/ Dan Ward  
/s/ Albert Liese

The following member's presence was noted: Willoughby.

**ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Wednesday, May 7, 2003.

**CORRECTIONS TO THE HOUSE JOURNAL**

**AFFIDAVITS**

I, State Representative Vicki Schneider, District 17, hereby state and affirm that my vote as recorded on Page 1474 of the House Journal for Thursday, May 1, 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 6th day of May 2003.

/s/ Vicki Schneider  
State Representative



State of Missouri       )  
                                  ) ss.  
County of Cole        )

Subscribed and sworn to before me this 6th day of May in the year 2003.

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

I, State Representative Annie Reinhart, District 34, hereby state and affirm that my vote as recorded on Pages 1502 and 1503 of the House Journal for Monday, May 5, 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 6th day of May 2003.

/s/ Annie Reinhart  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole        )

Subscribed and sworn to before me this 6th day of May 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 Pages 1502 and 1503 of the House Journal for Monday, May 5, 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 6th day of May 2003.

/s/ Chris Shoemaker  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole        )

Subscribed and sworn to before me this 6th day of May in the year 2003.

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

I, State Representative Mark Wright, District 137, hereby state and affirm that my vote as recorded on Pages 1510, 1511, 1512 and 1517 of the House Journal for Monday, May 5, 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

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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 6th day of May 2003.

/s/ Mark Wright  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 6th day of May in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Clint Zweifel, District 78, hereby state and affirm that my vote as recorded on Pages 1510 and 1516 of the House Journal for Monday, May 5, 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 6th day of May 2003.

/s/ Clint Zweifel  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 6th day of May in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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**COMMITTEE MEETINGS**

**BUDGET**

Wednesday, May 7, 2003, 8:30 a.m. Hearing Room 3.

Public hearing, fiscal review and possible Executive Session.

Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26

**BUDGET**

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

Public hearing, fiscal review, possible Executive Session.

Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26

#### BUDGET

Friday, May 9, 2003, 8:30 a.m. Hearing Room 3.  
Public hearing, fiscal review, possible Executive Session.  
Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26

#### CHILDREN AND FAMILIES

Wednesday, May 7, 2003. Hearing Room 5 upon morning recess.  
Executive Session may follow.  
Public Hearing to be held on: SCR 3

#### EDUCATION

Wednesday, May 7, 2003, 9:30 a.m. Side gallery.  
Executive Session may follow.  
Public Hearing to be held on: SCR 16

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, May 7, 2003. Hearing Room 3 upon noon adjournment.

#### JUDICIARY

Wednesday, May 7, 2003, 12:00 p.m. Hearing Room 1.  
Executive Session will follow on HB 573, HB 619, SB 12, SS SB 242, SS SCR 7.  
Public Hearing to be held on: SB 12, SB 242, SCR 7

### **HOUSE CALENDAR**

SIXTY-SIXTH DAY, WEDNESDAY, MAY 7, 2003

#### **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 HB 293, HCA 1 - Johnson (47)
- 14 HCS HB 345 - Cunningham (86)

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- 15 HCS HB 385 - Cunningham (86)
- 16 HCS HB 447 - Townley
- 17 HB 618 - Yates

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 697 - Mayer

#### **HOUSE BILL FOR THIRD READING**

HS HCS HB 404, 324, 403, 344, 426 & 541 - Rector

#### **SENATE CONCURRENT RESOLUTION**

SCR 10, (2-26-03, Page 473) - Yates

#### **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 SS SB 34 - Pratt
- 5 HCS SS SCS SB 30 - Schneider
- 6 HCS SCS SB 686, E.C. - Cunningham (86)
- 7 SCS#2 SB 1 - Luetkemeyer
- 8 SB 540 - Parker
- 9 SS SB 13 - Byrd
- 10 HCS SCS SB 246, HS, as amended, pending - Rector
- 11 HCS SB 469 - Byrd
- 12 HCS SS SCS SB 555, E.C. - Black
- 13 SS#2 SS SCS SB 2, E.C. - Smith (118)
- 14 HCS SB 39, (Budget 5-05-03) - Mayer
- 15 SCS SB 620, E.C. - Dempsey
- 16 SS SB 219, E.C. (Budget 5-05-03) - Smith (14)
- 17 HCS SCS SB 11, E.C. - Cooper (120)
- 18 HCS SS#2 SCS SB 481 - Crawford
- 19 HCS SB 668 - Myers

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

SCS SB 237 - Luetkemeyer

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HCS HB 13 - Bearden
- 2 HB 261, SA 1 - Whorton
- 3 SCS HCS HB 371 - Dusenberg
- 4 SCS HCS HB 392, as amended - Avery
- 5 HCS HB 394, SCA 1 - Byrd
- 6 SCS HB 491 - Rupp
- 7 SCS HB 512 - Cooper (120)
- 8 SCS HB 521 - Dethrow
- 9 SCS HB 552 - Kingery
- 10 SCS HCS HB 575 - Dethrow

**BILLS CARRYING REQUEST MESSAGES**

- 1 SCS HCS HB 427, (request Senate recede/grant conference) - Byrd
- 2 HCS SB 186, (request Senate adopt HCS and pass bill) - Munzlinger
- 3 SS SCS HCS HB 289, as amended, E.C.(request Senate recede/ grant conference/conferees  
be allowed to exceed the differences) - Dempsey
- 4 SS SCS HS HB 511, as amended, E.C.(request Senate recede/ grant conference) - Deeken

**BILLS IN CONFERENCE**

- 1 HS SCS SB 299 & 40, as amended - Bearden
- 2 HCS SB 401 - Pratt
- 3 CCR HCS SB 407 - Luetkemeyer
- 4 HCS SB 552 - Byrd
- 5 HCS SB 448 - Goodman
- 6 HCS SB 394, as amended - Byrd
- 7 CCR HCS SCS#2 SB 52 - Fares
- 8 SS SS SCS HCS HB 600, as amended, E.C. - Cooper (120)
- 9 SCS HS HB 2, as amended - Bearden
- 10 SCS HS HB 3, as amended - Bearden
- 11 SCS HS HB 4, as amended - Bearden
- 12 SCS HS HB 5, as amended - Bearden
- 13 SCS HS HB 6, as amended - Bearden
- 14 SCS HS HB 7 - Bearden
- 15 SCS HS HB 8, as amended - Bearden
- 16 SCS HS HB 9, as amended - Bearden
- 17 SCS HS HB 10, as amended - Bearden
- 18 SCS HS HB 11, as amended - Bearden
- 19 SCS HS HB 12, as amended - Bearden
- 20 HCS SCS SB 379 - Wright
- 21 HCS SS SCS SB 36, as amended - Myers