

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

THIRTY-EIGHTH DAY, WEDNESDAY, MARCH 7, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Reverend Rudy Beard.

O Lord, God of our parents and our God, give us the faith to believe in the ultimate triumph of righteousness, no matter how dark the skies may appear. We pray for the bifocals of faith – that we see the hurts and needs of the hour, but also that we are able to see beyond to the patience of God working out His plan in our world.

Help the men and women of this House interpret for our day the motto inscribed on our coins. Make our faith honest by helping us this day to do one thing because You have said, “Do this”, or to abstain from some act because You have said, “Thou shalt not”.

Bless all who are dealing with illness this day, including Betsy Maher. May our faith be seen in our words and in our works. To You be glory and honor. 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: Jennie May, Sean Koller, Erin Koller, Rebecca Rayfield, Daniel Rayfield, Cathy Burgard, Melisa Disney, Caleb Lewis, Amber Richards, Blake Long, Joanna Clark, Andy Doran, Jesse Swafford, Lindsey Hoerath, Michelle Lucy, Trevor Estes, Adam Watson and Darin S. Johnson.

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

RESOLUTION

Representative Linton offered House Resolution No. 773.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 758 - Representatives Portwood and Cunningham
House Resolution No. 759 - Representative Lawson
House Resolution No. 760 - Representative Behnen
House Resolution No. 761
through
House Resolution No. 771 - Representatives Gratz and Vogel
House Resolution No. 772 - Representatives Ross and Lograsso

House Resolution No. 774
through
House Resolution No. 776 - Representative Crawford
House Resolution No. 777
through
House Resolution No. 828 - Representative Murphy
House Resolution No. 829 - Representatives Overschmidt and McKenna, et al
House Resolution No. 830
and
House Resolution No. 831 - Representative Moore
House Resolution No. 832 - Representative Bowman
House Resolution No. 833 - Representative Relford
House Resolution No. 834 - Representatives Gratz and Vogel
House Resolution No. 835 - Representative Harlan

SECOND READING OF HOUSE BILLS

HB 925 through **HB 928** were read the second time.

SECOND READING OF SENATE BILLS

SB 293, **SB 348**, **SCS SB 352**, **SB 365** and **SB 394** were read the second time.

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HBs 237, 270, 403 and 442**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

THIRD READING OF HOUSE BILLS - CONSENT

HB 431, relating to health care professionals, was taken up by Representative Barry.

On motion of Representative Barry, **HB 431** was read the third time and passed by the following vote:

AYES: 150

Abel	Baker	Ballard	Barnett	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver

Crawford	Crowell	Crump	Cunningham	Curts
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Linton
Lograsso	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secret	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnitz	Berkstresser	Brooks	George	Harding
Harlan	Hohulin	Reid	Reinhart	

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 202, relating to transportation districts, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HB 202** was read the third time and passed by the following vote:

AYES: 105

Abel	Barry 100	Bartelsmeyer	Behnen	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burton
Campbell	Carnahan	Champion	Clayton	Coleman
Copenhaver	Crump	Curts	Davis	Dempsey
Dolan	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	George	Graham
Gratz	Green 15	Green 73	Hagan-Harrell	Hampton
Harding	Harlan	Hartzler	Haywood	Hickey

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Hilgemann	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Liese	Lowe	Luetkenhaus	Marsh
Mays 50	McKenna	Merideth	Monaco	Myers
O'Connor	O'Toole	Ostmann	Overschmidt	Ransdall
Relford	Reynolds	Rizzo	Robirds	Scheve
Schwab	Scott	Secret	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Wiggins	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 051

Ballard	Barnett	Bartle	Bearden	Boatright
Burcham	Byrd	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Enz	Fares	Gaskill
Griesheimer	Hanaway	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Jetton	Kelly 144	Legan
Levin	Linton	Lograsso	Long	Luetkemeyer
Marble	May 149	Mayer	Miller	Moore
Murphy	Naeger	Nordwald	Phillips	Portwood
Purgason	Rector	Reid	Reinhart	Richardson
Ridgeway	Roark	Ross	Surface	Townley
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 004

Baker	Barnitz	Berkstresser	Williams
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 129, relating to examination of records, was taken up by Representative Van Zandt.

On motion of Representative Van Zandt, **HB 129** was read the third time and passed by the following vote:

AYES: 151

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Black
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood

Hegeman	Henderson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 005

Boatright	Hendrickson	Linton	Long	Townley
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PRESENT: 000

ABSENT WITH LEAVE: 004

Baker	Barnitz	Berkstresser	Lograsso
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 157, relating to marriage licenses, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 157** was read the third time and passed by the following vote:

AYES: 149

Abel	Baker	Ballard	Barnett	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly

Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 005

McKenna	Portwood	Rector	Roark	Smith
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PRESENT: 000

ABSENT WITH LEAVE: 006

Barnitz	Berkstresser	Brooks	Cierpiot	Henderson
Lograsso				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 425, relating to underground facility safety, was taken up by Representative O'Toole.

Representative O'Toole offered **HS HCS HB 425**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 10, Section 319.024, Line 18, by adding immediately after said line the following:

“3. Every excavator who in a preceding calendar year contacted a Notification Center requesting the location of underground facilities, or contacted an owner or operator of underground facilities, shall in the subsequent year provide in writing to all notification Centers and all owners and operators who the excavator has previously contacted, the excavator’s current business address, phone number, facsimile number, and the name of the primary contact.”.

Representative Smith moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 017

Berkowitz	Britt	Farnen	Hampton	Jetton
Legan	Luetkenhaus	Merideth	Relford	Richardson
Rizzo	Seigfreid	Shoemyer	Smith	Van Zandt
Villa	Williams			

NOES: 133

Abel	Baker	Ballard	Barnett	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Crawford	Crowell
Crump	Cunningham	Curls	Davis	Dempsey
Dolan	Enz	Fares	Foley	Ford
Fraser	Froelker	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Levin	Liese	Linton
Lograsso	Long	Lowe	Luetkemeyer	Marble
Marsh	May 149	Mayer	McKenna	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Ransdall	Rector	Reid
Reinhart	Reynolds	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secret	Selby
Shelton	Shields	Skaggs	St. Onge	Surface
Thompson	Townley	Treadway	Vogel	Wagner
Walton	Ward	Wiggins	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

PRESENT: 001

Purgason

ABSENT WITH LEAVE: 009

Barnitz	Berkstresser	Copenhaver	Franklin	Gambaro
Kennedy	Mays 50	Ridgeway	Troupe	

VACANCIES: 003

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 6, Section 319.022, Lines 17 to 24 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"operators of other underground facilities [may,] **shall be required, on and after January 1, 2003, to participate in [a] the notification center as provided by rule of the commission. Prior to January 1, 2003, owners and operators of underground facilities may continue to participate in existing not-for-profit call centers, or register with the county recorder of deeds as provided in section 319.023.**"; and

Further amend said bill, Page 7, Section 319.022, Lines 1 to 13 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"2. [A] **The** notification center shall file with the recorder of deeds, in every county wherein any of the owners and operators which it represents have underground facilities, the name, address and telephone number of the notification center to which telephonic or written inquiries concerning the location of underground facilities may be addressed and a **current**"; and

Further amend said bill, Page 7, Section 319.022, Line 18 of said page, by inserting immediately after the word "**persons**" the words "**and excavators**"; and

Further amend said bill, Page 7, Section 319.022, Lines 20 to 23 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"3. A notification center may charge excavators a reasonable annual fee for the notification services provided to the excavator and shall notify excavators of the availability of the list of participants in the notification center required in subsection 2 of this section.

4. No notification center shall be entitled to receive a fee from owners or operators of underground facilities for a notification of an excavation, where the owner or operator has no underground facilities at the excavation site, as described in the excavator's notification."; and

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

Representative Smith assumed the Chair.

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1
for
House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 6, Section 319.022, Lines 20 - 24, and Page 7, Lines 1 - 6, by deleting all of said section and by inserting in lieu thereof the following:

"319.022

2. On or before January 1, 2003, all owners and operators of underground facilities located within the state who are not members of the notification center must provide the notification center with the names, address and telephone number of the person in their organization that should be contacted by excavators regarding the location of underground facilities. Failure to provide the notification center with such information shall relieve any contractor from liability to the owner and operator of an underground facility, provided such contractor has made appropriate inquiry of the notification center. The notification center may charge a reasonable fee to non-members for the service of providing such information to excavators."

Speaker Pro Tem Abel resumed the Chair.

Representative Lograsso moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Monaco assumed the Chair.

Representative Ballard requested a division of the question on **House Amendment No. 2**.

House Amendment No. 2

PART I

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 6, Section 319.022, Lines 17 to 24 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"operators of other underground facilities [may,] **shall be required, on and after January 1, 2003, to participate in [a] the notification center as provided by rule of the commission. Prior to January 1, 2003, owners and operators of underground facilities may continue to participate in existing not-for-profit call centers, or register with the county recorder of deeds as provided in section 319.023.**"; and

Further amend said bill, Page 7, Section 319.022, Lines 1 to 13 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"2. [A] **The** notification center shall file with the recorder of deeds, in every county wherein any of the owners and operators which it represents have underground facilities, the name, address and telephone number of the notification center to which telephonic or written inquiries concerning the location of underground facilities may be addressed and a **current**"; and

Further amend said bill, Page 7, Section 319.022, Line 18 of said page, by inserting immediately after the word "**persons**" the words "**and excavators**"; and

Further amend said bill, Page 7, Section 319.022, Lines 20 to 23 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"3. **A notification center may charge excavators a reasonable annual fee for the notification services provided to the excavator and shall notify excavators of the availability of the list of participants in the notification center required in subsection 2 of this section.**".

Representative Koller moved that **Part I of House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 042

Barnett	Bartelsmeyer	Behnen	Berkowitz	Black
Britt	Clayton	Crawford	Crowell	Crump
Davis	Farnen	Gaskill	Hampton	Hegeman
Henderson	Hunter	Jetton	Koller	Legan
Long	Luetkemeyer	May 149	Mayer	Merideth
Miller	Moore	Myers	Naeger	Overschmidt
Portwood	Ransdall	Richardson	Rizzo	Roark

Robirds	Scott	Shoemyer	Smith	Surface
Townley	Wiggins			

NOES: 106

Baker	Ballard	Barry 100	Bartle	Bearden
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Coleman	Cooper	Copenhaver	Cunningham	Curls
Dempsey	Dolan	Enz	Fares	Foley
Ford	Franklin	Fraser	Froelker	Gambaro
Graham	Gratz	Green 73	Griesheimer	Hagan-Harrell
Hanaway	Harding	Harlan	Hartzler	Haywood
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Lawson	Levin	Liese
Lowe	Marble	Marsh	Mays 50	McKenna
Monaco	Murphy	Nordwald	O'Connor	O'Toole
Ostmann	Phillips	Purgason	Rector	Reid
Reinhart	Relford	Reynolds	Ridgeway	Ross
Scheve	Schwab	Secret	Seigfreid	Selby
Shields	Skaggs	St. Onge	Thompson	Treadway
Van Zandt	Villa	Vogel	Wagner	Walton
Ward	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 011

Abel	Barnitz	Berkstresser	George	Green 15
Linton	Lograsso	Luetkenhaus	Shelton	Troupe
Williams				

VACANCIES: 003

House Amendment No. 2

PART II

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 7, Section 3 19.022, Lines 20 to 23 of said page, by deleting all of said lines and inserting in lieu thereof the following:

“4. No notification center shall be entitled to receive a fee from owners or operators of underground facilities for a notification of an excavation, where the owner or operator has no underground facilities at the excavation site, as described in the excavator's notification.”; and

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

Representative Koller moved that **Part II of House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 075

Ballard	Barnett	Bartelsmeyer	Bartle	Behnen
Berkowitz	Black	Boatright	Britt	Burcham
Champion	Cierpiot	Clayton	Cooper	Crawford
Crowell	Crump	Dolan	Froelker	Gaskill
Gratz	Hampton	Hartzler	Hegeman	Henderson
Hohulin	Hunter	Jetton	Kelley 47	Kelly 144
King	Koller	Legan	Lograsso	Long
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	Merideth	Miller	Moore
Myers	Naeger	Nordwald	Overschmidt	Phillips
Purgason	Ransdall	Reid	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Schwab	Scott	Seigfreid	Shelton	Shields
Shoemyer	Smith	Surface	Townley	Vogel
Ward	Wiggins	Williams	Wright	Mr. Speaker

NOES: 080

Abel	Baker	Barry 100	Bearden	Bland
Bonner	Boucher	Bowman	Boykins	Bray 84
Brooks	Burton	Campbell	Carnahan	Coleman
Copenhaver	Cunningham	Curls	Davis	Dempsey
Enz	Fares	Farnen	Foley	Ford
Franklin	Fraser	Gambaro	George	Graham
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hanaway
Harding	Harlan	Haywood	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 90	Jolly	Kelly 27	Kelly 36
Kennedy	Lawson	Levin	Liese	Linton
Lowe	McKenna	Monaco	Murphy	O'Connor
O'Toole	Ostmann	Portwood	Rector	Reinhart
Reynolds	Scheve	Secret	Selby	Skaggs
St. Onge	Thompson	Treadway	Van Zandt	Villa
Wagner	Walton	Willoughby	Wilson 25	Wilson 42

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 004

Barnitz	Berkstresser	Byrd	Troupe
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VACANCIES: 003

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 24, Section 319.041, Line 16, by inserting after the figure “319.026” the following:

“and the excavator had no knowledge of any underground facilities. After January 1, 2003, if an excavator has actual knowledge of underground facilities, the excavator shall be liable to the owner or operator of the underground facilities for the actual cost of repairs of such facilities, even if the excavator has provided notice

pursuant to section 319.026 and the owner or operator failed to participate in a notification center. Actual knowledge of underground facilities shall be imputed to the excavator when the owner or operator of underground facilities is the sole provider of a utility service in the land section where the excavation is being conducted”.

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

Which motion was defeated.

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 1, In the Title, Line 7, by deleting the word “**twelve**” and inserting in lieu thereof “**thirteen**”; and

Further amend said bill, Page 8, Section 319.023, Lines 16 and 17, by deleting said lines; and

Further amend said bill, Page 27, Line 13, by inserting immediately after said line the following:

“319.051. The provisions of section 319.022 and 319.025 through 319.045 shall not apply to owners and operators of underground facilities, except underground pipeline facilities, to the extent that such facilities are located outside the boundaries of metropolitan statistical areas as defined by the most recent United States Decennial Census.”.

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

Which motion was defeated by the following vote:

AYES: 054

Ballard	Barnett	Bartelsmeyer	Behnen	Berkowitz
Black	Boatright	Britt	Burcham	Clayton
Cooper	Crawford	Crowell	Crump	Davis
Farnen	Gaskill	Gratz	Hampton	Hegeman
Henderson	Hunter	Jetton	Kelly 144	Kelly 36
King	Koller	Legan	Lograsso	Luetkemeyer
Marble	May 149	Mayer	Mays 50	Merideth
Miller	Moore	Myers	Naeger	Purgason
Ransdall	Relford	Richardson	Rizzo	Roark
Robirds	Ross	Scott	Seigfreid	Shoemyer
Smith	Surface	Townley	Williams	

NOES: 092

Baker	Barry 100	Bartle	Bearden	Bland
Bonner	Boucher	Bowman	Bray 84	Brooks
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Coleman	Copenhaver	Cunningham	Curls
Dempsey	Dolan	Enz	Fares	Foley
Ford	Franklin	Fraser	Froelker	Gambaro
George	Graham	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hanaway	Harding	Harlan	Hartzler
Haywood	Hendrickson	Hickey	Hilgemann	Hohulin

Holand	Holt	Johnson 90	Jolly	Kelley 47
Kelly 27	Lawson	Liese	Linton	Lowe
Marsh	McKenna	Monaco	Murphy	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Rector	Reid	Reinhart	Reynolds
Ridgeway	Scheve	Schwab	Secrest	Selby
Shields	Skaggs	St. Onge	Thompson	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 014

Abel	Barnitz	Berkstresser	Boykins	Hollingsworth
Hoppe	Hosmer	Johnson 61	Kennedy	Levin
Long	Luetkenhaus	Shelton	Wiggins	

VACANCIES: 003

HCS HB 425, with HS, pending, was laid over.

COMMITTEE REPORTS

Committee on Commerce and Economic Development, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred **HB 189**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Correctional and State Institutions, Chairman Gratz reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 361**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 642**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 742**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 808**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Public Safety, Law Enforcement and Veteran Affairs, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Public Safety, Law Enforcement and Veteran Affairs, to which was referred **HB 732**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

INTRODUCTION OF HOUSE BILLS

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

HB 929, introduced by Representative Hosmer, relating to DNA evidence.

HB 930, introduced by Representatives Hollingsworth, McKenna, Wagner, Selby and Johnson (90), relating to county planning and zoning.

HB 931, introduced by Representative Sanders Brooks, relating to centralized state employee disqualification list.

HB 932, introduced by Representatives Gratz and Vogel, relating to registration with the selective service system.

HB 933, introduced by Representative Reid, relating to the state sales tax.

HB 934, introduced by Representative Graham, relating to teacher and school employee retirement.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 148**, entitled:

An act to repeal sections 21.250 and 116.050, RSMo 2000, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 179**, entitled:

An act to repeal section 443.851, RSMo 2000, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 223**, entitled:

An act to repeal section 556.046, RSMo 2000, relating to criminal procedure, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 264**, entitled:

An act to repeal sections 104.312 and 104.1051, RSMo 2000, relating to judicial division of benefits, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 270**, entitled:

An act to amend chapter 536, RSMo, by adding thereto one new section relating to administrative law judges, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 288**, entitled:

An act to repeal sections 351.120, 351.220, 351.268, 351.410, 351.415, 351.435, 351.440, 351.458, 351.478 and 351.482, RSMo 2000, relating to corporations, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 366**, entitled:

An act to repeal sections 288.032, 288.034 and 288.100, RSMo 2000, relating to the correction of certain statutory cross-references in chapter 288 of the revised statutes of Missouri, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 370**, entitled:

An act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810, and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-five new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 380**, entitled:

An act to repeal section 288.090, RSMo 2000, relating to the implementation of the industrial classification system for determination of employer unemployment contributions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 290**, entitled:

An act to repeal sections 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750 and 86.780, RSMo 2000, relating to police relief and pension systems, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Relford is no longer a member of the Joint Committee on Correctional Institutions.

Representative Koller has been appointed a member of the Joint Committee on Correctional Institutions.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, March 8, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-seventh Day, Tuesday, March 6, 2001, page 584, roll call, by showing Representatives Copenhaver and Henderson voting "aye" rather than "absent with leave".

Pages 584 and 585, roll call, by showing Representatives Hunter and Miller voting "aye" rather than "absent with leave".

Pages 585 and 586, roll call, by showing Representatives Coleman and Crawford voting "aye" rather than "absent with leave".

Pages 590 and 591, roll call, by showing Representative Kelley (47) voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

BUDGET

Thursday, March 8, 2001, 8:00 am. Hearing Room 3.
FY 2002 appropriation mark-up. House Bill 1 through House Bill 12.
Executive Session.

BUDGET

Thursday, March 8, 2001. Hearing Room 3 upon morning adjournment.
FY 2002 appropriation mark-up. House Bill 1 through House Bill 12.
Executive Session.

BUDGET

Monday, March 12, 2001, 12:00 pm. Hearing Room 3.
FY 2002 appropriation mark-up. House Bill 1 through House Bill 12.
Executive Session.

CHILDREN, FAMILIES, AND HEALTH

Thursday, March 8, 2001. Hearing Room 1 upon adjournment.
Executive Session.
To be considered - HB 106, HB 279, HB 478, HB 824, HB 834, HB 848

COMMERCE AND ECONOMIC DEVELOPMENT

Tuesday, March 13, 2001. Hearing Room 6 upon morning adjournment.
Executive Session may follow.
To be considered - HB 837

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Monday, March 12, 2001, 8:00 pm. Hearing Room 3.
Executive Session may follow.
To be considered - HB 564, HB 610

ENVIRONMENT AND ENERGY

Thursday, March 8, 2001, 8:30 am. Hearing Room 5. AMENDED.
Executive Session may follow.
To be considered - HB 868

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, March 8, 2001, 1:00 pm. Senate Lounge.
Hearing will be held at 1:00 pm or upon adjournment of both Houses.
Department of Economic Development.

JOINT COMMITTEE ON ECONOMIC DEVELOPMENT

Thursday, March 8, 2001, 9:00 am. Hearing Room 1. AMENDED.
Executive Session may follow. Enterprise zones.
Nevada, part of Vernon Co., Cape/Scott City.

LABOR

Thursday, March 8, 2001. Side gallery upon adjournment.
To be considered - Executive Session - HB 587, Executive Session - HB 661,
Executive Session - HB 679

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, March 8, 2001, 9:30 am. Side gallery. AMENDED.
To be considered - Executive Session - HB 477, Executive Session - HB 691,
Executive Session - HB 692, Executive Session - HB 709, Executive Session - HB 788

SPECIAL COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

Monday, March 12, 2001, 11:00 am. Hearing Room 1.
MU Sports Arena. CANCELLED.

SPECIAL COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

Monday, March 26, 2001, 1:00 pm. Hearing Room 3.
MU Sports Arena, Jordan Valley Park.

UTILITIES REGULATION

Thursday, March 8, 2001, 8:15 am. Hearing Room 6.
House Bill 676 opponents.
To be considered - HB 102, HB 521

HOUSE CALENDAR

THIRTY-NINTH DAY, THURSDAY, MARCH 8, 2001

HOUSE BILLS FOR SECOND READING

HB 929 through HB 934

HOUSE BILLS FOR PERFECTION

- 1 HB 185 - Legan
- 2 HCS HB 738 - Liese
- 3 HCS HB 107 - Clayton
- 4 HB 249 - Treadway
- 5 HCS HB 334 - Davis
- 6 HCS HB 762 - Barry
- 7 HCS HB 754, 29, 300 & 505 - Franklin

- 8 HB 444 - Kreider
- 9 HB 473, HCA 1 - Robirds
- 10 HCS HB 327 - Rizzo
- 11 HB 321 - Skaggs
- 12 HB 453 - Ransdall
- 13 HB 501 - Bowman
- 14 HB 314 - Nordwald

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HCS HB 425, HS, pending, - O'Toole
- 3 HB 166 - Troupe
- 4 HB 114 - Hickey
- 5 HB 421 - Hoppe

HOUSE BILLS FOR PERFECTION - CONSENT

(March 5, 2001)

- 1 HB 502 - Ward
- 2 HB 779 - Barnett
- 3 HB 409 - Surface
- 4 HB 452 - Gratz
- 5 HB 242 - Smith
- 6 HB 600 - Hosmer
- 7 HB 607 - Johnson (90)
- 8 HB 470 - Shields
- 9 HB 491 - George

HOUSE BILLS FOR THIRD READING

- 1 HB 80 - Ross
- 2 HCS HB 50, E.C. - Relford
- 3 HS HB 381, (Fiscal Review 3-01-01) - Hoppe
- 4 HS HB 287 - Williams
- 5 HCS HB 26, (Fiscal Review 3-5-01) - Wilson (42)
- 6 HCS HB 194 - Hosmer
- 7 HB 218 - Farnen
- 8 HCS HB 265 & 369 - Hosmer
- 9 HS HCS HB 237, 270, 403 & 442 - Smith

SENATE BILLS FOR SECOND READING

- 1 SB 148
- 2 SB 179
- 3 SB 223
- 4 SCS SB 264
- 5 SCS SB 270
- 6 SB 288
- 7 SCS SB 290
- 8 SB 366
- 9 SB 370
- 10 SB 380