

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

THIRTY-NINTH DAY, THURSDAY, MARCH 8, 2001

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God: the sky is blue, the air crisp, the earth is warming. Help us use well this day You give. Today let us put right before interest; let us put others before self; let us put things of the spirit before things of the body; let us put principle before reputation; let us put You before all else. Bless this House today. 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: Alex Quirk, Jessica McRaven, Tiffany Jennings, Neal Varma, Eddie Hogan, Meghan Kline, Peter Wallach, Susan Rohan, Jessica Wooldridge, Aisha White, William Powell, Alison Stroop, Julie Birsinger, Rachel Kraus, Megan Geeck, Nick Barthelmass, Robert Yancy and Irene Rafael.

The Journal of the thirty-eighth day was approved as corrected by the following vote:

AYES: 151

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
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	Hendrickson	Hickey	Hilgeman	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	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	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood

Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 002

Henderson Ridgeway

PRESENT: 001

Johnson 61

ABSENT WITH LEAVE: 006

Behnen	Berkstresser	Boatright	Boykins	Monaco
Van Zandt				

VACANCIES: 003

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 836 - Representative Graham, et al
House Resolution No. 837
 through
House Resolution No. 839 - Representative Vogel
House Resolution No. 840 - Representative Moore
House Resolution No. 841 - Representative O'Toole
House Resolution No. 842 - Representative Clayton
House Resolution No. 843 - Representative Miller
House Resolution No. 844 - Representative Gambaro
House Resolution No. 845
 through
House Resolution No. 852 - Representatives Harding and Phillips
House Resolution No. 853 - Representative Cooper
House Resolution No. 854 - Representative Holt
House Resolution No. 855 - Representative Richardson
House Resolution No. 856 - Representatives Harding and Phillips

SECOND READING OF HOUSE BILLS

HB 929 through **HB 934** were read the second time.

SECOND READING OF SENATE BILLS

SB 148, SB 179, SB 223, SCS SB 264, SCS SB 270, SB 288, SCS SB 290, SB 366, SB 370 and **SB 380** were read the second time.

THIRD READING OF HOUSE BILLS

HB 80, relating to antifraud enforcement groups, was taken up by Representative Ross.

On motion of Representative Ross, **HB 80** was read the third time and passed by the following vote:

AYES: 152

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	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	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	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Villa	Vogel	Wagner	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Troupe

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkstresser	Boykins	Crawford	Levin	Monaco
Robirds	Van Zandt			

VACANCIES: 003

Speaker Kreider declared the bill passed.

HCS HB 50, relating to promotion of students, was taken up by Representative Relford.

On motion of Representative Relford, **HCS HB 50** was read the third time and passed by the following vote:

AYES: 126

Abel	Baker	Barnitz	Barry 100	Bartelsmeyer
Behnen	Berkowitz	Black	Bland	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Davis
Dempsey	Dolan	Fares	Farnen	Foley
Ford	Franklin	Fraser	Gambaro	Gaskill
George	Graham	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hegeman	Hendrickson	Hilgemann	Hollingsworth
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Liese
Lograsso	Long	Lowe	Luetkemeyer	Luetkenhaus
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	Surface	Thompson	Townley	Treadway
Villa	Vogel	Wagner	Walton	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 030

Ballard	Barnett	Bartle	Bearden	Byrd
Cierpiot	Cunningham	Enz	Froelker	Gratz
Hanaway	Henderson	Hickey	Hohulin	Holand
Holt	Hunter	Kelly 27	Levin	Linton
Marble	Marsh	Murphy	Phillips	Portwood
Ridgeway	Scott	Secrest	St. Onge	Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Berkstresser Boykins Troupe Van Zandt

VACANCIES: 003

Speaker Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 123

Abel	Baker	Barnitz	Barry 100	Bartelsmeyer
Behnen	Berkowitz	Black	Bland	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Davis
Dempsey	Dolan	Fares	Farnen	Foley
Ford	Franklin	Fraser	Gambaro	Gaskill
George	Graham	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hegeman	Hendrickson	Hilgemann	Holand
Hollingsworth	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 144	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Liese	Long
Lowe	Luetkemeyer	Luetkenhaus	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Rizzo	Robirds	Ross	Scheve	Schwab
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Wagner
Walton	Ward	Wiggins	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 034

Ballard	Barnett	Bartle	Bearden	Byrd
Cierpiot	Cunningham	Enz	Froelker	Gratz
Hanaway	Henderson	Hickey	Hohulin	Holt
Hunter	Jetton	Kelley 47	Kelly 27	Levin
Linton	Lograsso	Marble	Marsh	Murphy
Phillips	Portwood	Rector	Ridgeway	Roark
Scott	Secret	St. Onge	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 003

Berkstresser Boykins Van Zandt

VACANCIES: 003

Speaker Pro Tem Abel assumed the Chair.

HS HB 287, relating to private jails, was taken up by Representative Williams.

On motion of Representative Williams, **HS HB 287** was read the third time and passed by the following vote:

AYES: 151

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Burton	Byrd	Campbell	Carnahan	Cierpiot
Clayton	Coleman	Cooper	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
Linton	Lograsso	Long	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	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 004

Burcham	Copenhaver	Hendrickson	Troupe
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PRESENT: 000

ABSENT WITH LEAVE: 005

Berkstresser	Boykins	Champion	Scheve	Van Zandt
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS HB 194, relating to higher education institutions, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS HB 194** was read the third time and passed by the following vote:

AYES: 110

Abel	Baker	Barry 100	Bartelsmeyer	Bartle
Behnen	Berkowitz	Bonner	Boucher	Bowman
Bray 84	Britt	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Coleman	Copenhaver
Crawford	Crowell	Crump	Davis	Dolan
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hickey	Hilgemann	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Liese	Lowe
Luetkenhaus	Marsh	Mayer	Mays 50	Merideth
Miller	Monaco	Moore	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Ransdall
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Ross	Schwab	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	Surface	Thompson	Treadway	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wright	Mr. Speaker

NOES: 043

Ballard	Barnett	Bearden	Black	Bland
Boatright	Brooks	Burcham	Clayton	Cooper
Cunningham	Curls	Dempsey	Enz	Hanaway
Hegeman	Henderson	Hendrickson	Hohulin	Holand
Kelley 47	Legan	Levin	Linton	Lograsso
Long	Luetkemeyer	Marble	May 149	Murphy
Myers	Phillips	Portwood	Purgason	Rector
Richardson	Roark	Robirds	Scott	St. Onge
Townley	Troupe	Wilson 42		

PRESENT: 001

Barnitz

ABSENT WITH LEAVE: 006

Berkstresser	Boykins	Lawson	McKenna	Scheve
Van Zandt				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HB 218, relating to public schools, was taken up by Representative Farnen.

On motion of Representative Farnen, **HB 218** was read the third time and passed by the following vote:

AYES: 151

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	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	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	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa
Vogel	Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 004

Brooks	Hohulin	Lograsso	Murphy
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PRESENT: 000

ABSENT WITH LEAVE: 005

Berkstresser	Boykins	Moore	Scheve	Van Zandt
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VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

Representative Clayton assumed the Chair.

Speaker Pro Tem Abel resumed the Chair.

HCS HBs 265 & 369, relating to first degree murder sentencing procedure, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS HBs 265 & 369** was read the third time and passed by the following vote:

AYES: 130

Abel	Baker	Barnett	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Black
Bland	Bonner	Boucher	Bowman	Bray 84
Britt	Brooks	Burcham	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Gambaro	Gaskill	George	Graham
Green 15	Green 73	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Hendrickson	Hickey	Hilgemann	Holand	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Levin	Liese
Lograsso	Long	Lowe	Luetkemeyer	Luetkenhaus
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	O'Connor	O'Toole	Ostmann
Overschmidt	Portwood	Ransdall	Reid	Reinhart
Relford	Reynolds	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Secret	Seigfreid
Selby	Shields	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Treadway	Villa	Vogel
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 023

Ballard	Bartelsmeyer	Boatright	Burton	Cooper
Froelker	Graz	Griesheimer	Henderson	Hohulin
Hunter	Kelly 144	Legan	Linton	Marble
Nordwald	Phillips	Purgason	Rector	Roark
Scott	Surface	Townley		

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkstresser	Boykins	Hollingsworth	Richardson	Shelton
Troupe	Van Zandt			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HS HCS HBs 237, 270, 403 & 442, relating to sunshine law, was taken up by Representative Smith.

On motion of Representative Smith, **HS HCS HBs 237, 270, 403 & 442** was read the third time and passed by the following vote:

AYES: 145

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Bland	Boatright	Bonner	Boucher
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Cierpiot	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Ford	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Legan	Levin	Liese	Linton	Lograsso
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Murphy	Myers
Naeger	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Treadway	Villa	Vogel
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 004

Champion	Lawson	Nordwald	Townley
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PRESENT: 000

ABSENT WITH LEAVE: 011

Berkstresser	Black	Bowman	Boykins	Franklin
Holand	Moore	Richardson	Shelton	Troupe
Van Zandt				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

PERFECTION OF HOUSE BILL - INFORMAL

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

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 27, Section 319.050, Line 13, by adding the following after said line:

“The state shall appropriate and disburse to its political subdivisions payment for any and all activities imposed by approval of this act pursuant to Article X, Section 21 of the Missouri Constitution.”.

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

Which motion was defeated.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 26, Section 319.050, Line 21, by inserting after the word **“apply”** the following:

“to any utility which is repairing or replacing any of its facilities due to damage caused during an unexpected occurrence or”; and

Further amend said bill, Page 27, Section 319.050, Line 3, by inserting before the word **“fires,”** the following:

“thunderstorms, high winds, ice or snow storms,”; and

Further amend said bill, Page 27, Section 319.050, Line 4, by inserting after the word **“accidents,”** the words **“water pipe breaks”;** and

Further amend said bill, Page 27, Section 319.050, Line 5, by inserting before the word **“subsurface”** the words **“surface or”;** and

Further amend said bill, Page 27, Section 319.050, Line 6, by inserting after the word **“excavator”** the words **“or utility”;** and

Further amend said bill, Page 27, Section 319.050, Line 8, by inserting after the word **“excavator”** the words **“or utility”.**

On motion of Representative Miller, **House Amendment No. 6** was adopted.

Representative Holt offered **House Amendment No. 7.**

House Amendment No. 7 was withdrawn.

Representative Hegeman offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 14, Section 319.026, Line 9, by inserting after the word “**quarter**” the words “**of a quarter**”; and

Further amend said bill, Page 17, Section 319.026, Line 1, by inserting after the word “**shall**” the following:

“be responsible to protect the markings from weather, construction or other causes which may contribute to the degradation of the markings and”; and

Further amend said bill, Page 17, Section 319.026, Lines 4-8, by striking all of said lines and inserting in lieu thereof the following:

“due to the excavator’s failure to protect the markings or exercise reasonable care; or the excavator fails to begin excavation within ten days from the original notice of intent to excavate or if repeated requests for remarking are made by a excavator even though the markings are visible and usable, the excavator shall be liable to the owner or operator for all cost associated with such remarking.”

Representative Hegeman moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 22, Section 319.030, Line 16, by placing brackets around “**of record**”.

On motion of Representative Ballard, **House Amendment No. 8** was adopted.

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 12, by inserting an opening bracket “[” before the figure “**(4)**”; and

Further amend said bill, Page 3, Section 319.015, Lines 12-23, by deleting all underlined words and removing brackets; and

Further amend said bill, Page 3, Section 319.015, Line 23, by inserting a closing bracket “]” after the word “**group**”; and

Further amend said bill, Page 3, Section 319.015, Line 24, by inserting before all of said line the following:

“(4) “Notification Center”, Prior to January 1, 2003, [an] a statewide organization operating twenty-four hours a day, three hundred sixty-five days a year on a not-for-profit basis, supported by its participants, or by more than one operator of underground facilities[.]. After January 1, 2003, the Notification Center shall be a division of the Missouri Public Service Commission supported the owners and operators of underground facilities and contractors and excavators who request the location of underground facilities in the normal course of business. The Notification Center will have as its principal purpose the statewide receipt and dissemination to participating

owners and operators of underground facilities of information concerning intended excavation activities in the area where such owners and operators have underground facilities. **The Public Service Commission shall have jurisdiction over all owners and operators of underground facilities specifically for the purpose of ensuring compliance with this Chapter. Nothing in this Section shall give the Commission any jurisdiction of the rates or terms of service for any utility which is not regulated by the Public Service Commission under chapters 387, 388, 389, 390, 391, 392, and 393, RSMo. The Public Service Commission shall have the authority to promulgate rules necessary to implement this chapter, including the level of participation for small owners and operators of underground facilities. The level of participation may be, but is not limited to a determination of the financial ability of the owner or operator to comply with the provisions of this Chapter. If the Public Service Commission finds that it would be unduly burdensome for a small owner or operator to comply with all of the provisions of this Chapter, then the Commission shall, by rule establish the locating obligations of small owners or operators and the obligations of excavators in contacting and assisting in the location of underground facilities.”.**

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

Which motion was defeated by the following vote:

AYES: 047

Ballard	Barnett	Barnitz	Bartelmeyer	Behnen
Berkowitz	Black	Boatright	Burcham	Clayton
Cooper	Crawford	Crowell	Cunningham	Farnen
Gaskill	Hampton	Hegeman	Henderson	Hohulin
Hunter	Jetton	Kelly 144	Kennedy	King
Koller	Legan	Long	Luetkemeyer	May 149
Mayer	Miller	Moore	Murphy	Myers
Naeger	Overschmidt	Purgason	Richardson	Rizzo
Roark	Robirds	Shoemyer	Smith	Townley
Troupe	Vogel			

NOES: 095

Abel	Baker	Barry 100	Bartle	Bearden
Bland	Bonner	Boucher	Bowman	Britt
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Coleman	Copenhaver	Crump	Curls
Davis	Dempsey	Dolan	Fares	Foley
Ford	Fraser	Froelker	Gambaro	George
Graham	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hanaway	Harding	Harlan	Hartzler	Haywood
Hickey	Hilgemann	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 27	Kelly 36	Lawson	Levin	Liese
Lowe	Luetkenhaus	Marble	Marsh	Mays 50
McKenna	Merideth	Monaco	O'Connor	O'Toole
Ostmann	Phillips	Portwood	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Ridgeway
Ross	Scheve	Schwab	Secret	Seigfreid
Selby	Shelton	Shields	St. Onge	Thompson
Treadway	Villa	Wagner	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright

PRESENT: 000

ABSENT WITH LEAVE: 018

Berkstresser	Boykins	Bray 84	Brooks	Enz
Franklin	Gratz	Hendrickson	Holand	Linton
Lograsso	Nordwald	Scott	Skaggs	Surface
Van Zandt	Wiggins	Mr. Speaker		

VACANCIES: 003

Representative Marble offered House Amendment No. 10.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 23, by inserting after the word “**group**” the following:

“, including, but not limited to, at least one member representing rural electric cooperatives and one member representing telecommunications companies providing telecommunications service to fewer than 10,000 customers”.

Representative Marble moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

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

Representative Monaco raised a point of order that **House Amendment No. 11** is dilatory.

The Chair ruled the point of order well taken.

On motion of Representative O'Toole, **HS HCS HB 425, as amended**, was adopted by the following vote:

AYES: 084

Baker	Barry 100	Bearden	Bland	Bonner
Boucher	Bowman	Burcham	Burton	Campbell
Carnahan	Champion	Coleman	Copenhaver	Crowell
Crump	Cunningham	Curls	Dempsey	Dolan
Fares	Foley	Fraser	Gambaro	George
Graham	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hanaway	Harding	Hartzler	Haywood	Hickey
Hilgemann	Hohulin	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 27	Kelly 36	Kennedy	Lawson	Levin
Liese	Lograsso	Lowe	Luetkenhaus	Marble
Marsh	Mays 50	McKenna	Monaco	Murphy
O'Toole	Ostmann	Phillips	Portwood	Rector
Reid	Secret	Selby	Shelton	Shields
St. Onge	Thompson	Treadway	Troupe	Villa
Vogel	Wagner	Walton	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Wright	

NOES: 051

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Behnen	Berkowitz	Black	Boatright	Britt
Cierpiot	Clayton	Cooper	Crawford	Davis
Farnen	Froelker	Gaskill	Hampton	Hegeman
Henderson	Hunter	Jetton	Kelly 144	King
Koller	Legan	Long	Luetkemeyer	May 149
Mayer	Merideth	Miller	Moore	Myers
Naeger	Overschmidt	Purgason	Ransdall	Reinhart
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Schwab	Seigfreid	Shoemyer	Smith
Townley				

PRESENT: 000

ABSENT WITH LEAVE: 025

Abel	Berkstresser	Boykins	Bray 84	Brooks
Byrd	Enz	Ford	Franklin	Gratz
Harlan	Hendrickson	Holand	Linton	Nordwald
O'Connor	Relford	Reynolds	Scheve	Scott
Skaggs	Surface	Van Zandt	Wiggins	Mr. Speaker

VACANCIES: 003

On motion of Representative O'Toole, **HS HCS HB 425, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 756 - Urban Affairs

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 17 - Missouri Tobacco Settlement

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 701 - Environment and Energy
HB 877 - Social Services, Medicaid and the Elderly
HB 878 - Education-Elementary and Secondary
HB 879 - Correctional and State Institutions
HB 880 - Correctional and State Institutions
HB 881 - Local Government and Related Matters

- HB 884** - Motor Vehicle and Traffic Regulations
- HB 885** - Transportation
- HB 886** - Ways and Means
- HB 887** - Social Services, Medicaid and the Elderly
- HB 888** - Missouri Tobacco Settlement
- HB 889** - Commerce and Economic Development
- HB 891** - Civil and Administrative Law
- HB 892** - Children, Families and Health
- HB 893** - Motor Vehicle and Traffic Regulations
- HB 894** - Children, Families and Health
- HB 895** - Judiciary
- HB 896** - Insurance
- HB 897** - Motor Vehicle and Traffic Regulations
- HB 898** - Civil and Administrative Law
- HB 899** - Professional Registration and Licensing
- HB 900** - Insurance
- HB 901** - Criminal Law
- HB 902** - Miscellaneous Bills & Resolutions
- HB 903** - Education-Elementary and Secondary
- HB 904** - Agriculture
- HB 905** - Ways and Means
- HB 906** - Ways and Means
- HB 908** - Civil and Administrative Law
- HB 909** - Correctional and State Institutions
- HB 910** - Ways and Means
- HB 911** - Critical Issues
- HB 912** - Motor Vehicle and Traffic Regulations
- HB 914** - Agriculture
- HB 922** - Local Government and Related Matters
- HB 923** - Environment and Energy
- HB 930** - Local Government and Related Matters
- HB 933** - Ways and Means

REFERRAL OF SENATE CONCURRENT RESOLUTION

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

- SS SCS SCR 5** - Children, Families and Health

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

- SB 25** - Education-Higher

COMMITTEE REPORTS

Committee on Agriculture, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 581**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Budget, Chairman Green (73) reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 6**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 8**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 9**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 10**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 11**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 12**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 537**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 626**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 693**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Education-Elementary and Secondary, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HB 45**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Education-Higher, Chairman Williams reporting:

Mr. Speaker: Your Committee on Education-Higher, to which was referred **HB 769**, begs leave to report it has examined the same and recommends that it **Do Pass By Consent**.

Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 477**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 691**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 788**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 544**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 757**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Retirement, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 318**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 385**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Social Services, Medicaid and the Elderly, Chairman Ladd Baker reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 603**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 18, introduced by Representatives Johnson (90), Hollingsworth, McKenna, Selby, Abel and Wagner, relating to the state board of education.

INTRODUCTION OF HOUSE BILLS

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

HB 935, introduced by Representatives Roark, Marsh, Wright, Portwood, Shields and Moore, et al, relating to income tax revenue from gaming winnings.

HB 936, introduced by Representative Mays (50), relating to drainage districts.

HB 937, introduced by Representative Levin, relating to vital statistics.

HB 938, introduced by Representative Coleman, relating to the technology trust fund.

HB 939, introduced by Representative Green (73), relating to associate circuit judges.

HB 940, introduced by Representative Ballard, relating to scheduling of activities involving public school teachers.

HB 941, introduced by Representative Ballard, relating to pesticide application in public buildings.

HB 942, introduced by Representatives Hanaway, Kreider, Foley, Fraser, Reinhart, Naeger, Overschmidt and Monaco, et al, relating to the tobacco settlement.

HB 943, introduced by Representatives Kreider, Hanaway, Foley, Reinhart, Champion, Monaco, Naeger, Graham, Overschmidt and Fraser, et al, relating to the tobacco settlement.

HB 944, introduced by Representatives Coleman and Kreider, relating to an income tax credit for certain parents.

HB 945, introduced by Representative Hosmer, relating to juror pay.

HB 946, introduced by Representatives Merideth and Mayer, relating to the office of elementary and preschool deaf education.

HB 947, introduced by Representatives Reid, Luetkenhaus, Holt, Selby, Secrest, Phillips, Enz and Bartelsmeyer, et al, relating to human embryos and cloning.

HB 948, introduced by Representative Boucher, relating to safe chemical handling in public school science classrooms.

HB 949, introduced by Representative Barry, relating to hospital whistle-blower protections.

HB 950, introduced by Representative Hosmer, relating to funding for family court services.

HB 951, introduced by Representative Gratz, to authorize the conveyance of certain property in Cole County.

HB 952, introduced by Representatives Haywood, Thompson, Bowman and Wilson (42), et al, relating to student placement.

HB 953, introduced by Representatives Thompson, Selby, Haywood, Bowman, Troupe and Ross, et al, relating to tax relief for veterans.

HB 954, introduced by Representative Hosmer, relating to license suspension and revocation procedures for persons under twenty-one years of age.

HB 955, introduced by Representative Green (73), relating to the hospital federal reimbursement allowance program.

HB 956, introduced by Representatives Harding, Ransdall, Haywood and Copenhaver, et al, relating to Missouri Day.

HB 957, introduced by Representative Harding, relating to tourism taxes in certain cities.

HB 958, introduced by Representatives Kelley (47) and Cierpiot, et al, relating to faith-based and community-based initiatives.

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 **SCS SB 4**, entitled:

An act to repeal sections 32.056, 84.480 and 84.510, RSMo 2000, relating to certain police officers, 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 **SCS SB 149**, entitled:

An act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and section 643.315, RSMo 2000, relating to motor vehicle emissions requirements, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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 234**, entitled:

An act to repeal section 144.010, RSMo 2000, relating to sales tax on telecommunication services, 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 316**, entitled:

An act to amend chapter 169, RSMo, by adding thereto one new section relating to certain school retirement systems.

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 341**, entitled:

An act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, 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 371**, entitled:

An act to repeal sections 104.170, 104.312, 104.330, 104.339, 104.343, 104.372, 104.374, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.620, 104.1003, 104.1024, 104.1030, 104.1051, 104.1072, 104.1078, 104.1093, 226.092, 226.160 and 476.524, RSMo 2000, relating to public retirement systems, and to enact in lieu thereof twenty-seven 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 383**, entitled:

An act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

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 430**, entitled:

An act to repeal section 71.640, RSMo 2000, relating to taxation for band funds in certain municipalities, 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 441**, entitled:

An act to repeal section 95.280, RSMo 2000, relating to cities of the third classification, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

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 adopted **SCR 10**.

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Missouri delegation to Congress; and

WHEREAS, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

WHEREAS, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

WHEREAS, railroad management, labor and retiree organizations have agreed to support this legislation; and

WHEREAS, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

WHEREAS, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

WHEREAS, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

WHEREAS, all changes will be paid for from within the railroad industry, including a full share by active employees:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that the United States Congress are urged to support the Railroad Retirement and Survivors Improvement Act in the 107th Congress; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all Missouri members of the Missouri Congressional delegation.

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 adopted **SS SCR 13**.

SENATE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the United States Fish and Wildlife Service has recommended that the United States Army Corps of Engineers implement the so-called "spring rise-split season" plan for operation of the Missouri River mainstem reservoir system; a plan which would result in an increase in the flow of the Missouri River in the spring, and a reduction of the flow in the summer of each year, purportedly to improve habitat for the threatened and endangered pallid sturgeon, least tern and piping plover; and

WHEREAS, additional changes under consideration by the United States Army Corps of Engineers to the Missouri River Master Manual would result in the storage of more water in the upstream reservoirs while decreasing the amount of water available downstream for designated uses, and these changes would shorten the navigation season on the Missouri River by twenty-seven days in November and put at risk Mississippi River navigation as well; and

WHEREAS, analysis of the proposed changes by the state of Missouri and the United States Army Corps of Engineers has indicated these changes will fail to improve and will potentially diminish habitat for the species in question, will increase the risk of flooding along the Missouri River, will result in a decrease in river levels in early summer and fall which will impact navigation and other designated uses on the Missouri and Mississippi Rivers; and

WHEREAS, habitat restoration along the lower Mississippi River has demonstrated great success in aiding the recovery of these species and a similar approach should be given the opportunity to succeed on the Missouri River; and

WHEREAS, these plans have the potential for severe impact on any industry which uses the Missouri River or Mississippi River to transport products and the potential increase risk of flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, these proposals do not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin, and will not realize the purported benefit of increasing habitat for endangered species; and

WHEREAS, the Missouri departments of natural resources, conservation and transportation have opposed these plans and have informed the Fish and Wildlife Service and the United States Army Corps of Engineers of their concerns regarding the potential impact on the state's river communities, lands, businesses and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to protest against any proposals that would so negatively impact beneficial uses of the lower Missouri Mississippi Rivers and would not significantly improve conditions for the species of concern; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue to insist that any plan involving the operations of the Missouri River improve the Missouri River for all beneficial uses and be sure any river management changes consider all based on sound science; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor of Missouri, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of Transportation.

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 adopted **SCR 16**.

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, the members of the Missouri Senate recognize the problems our nation's military personnel experience to exercise their right to vote; and

WHEREAS, for those military personnel living overseas, timely notice of elections back home can be problematic for both those on active duty and their families; and

WHEREAS, as reports from Florida indicate, many military personnel are unable to return their ballots to local election authorities in a timely manner; and

WHEREAS, it is unconscionable that we would disenfranchise the very individuals who put their lives on the line to protect our democratic right to vote:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, unanimously recommend to the United States Congress that it review challenges faced by our military personnel and enact a comprehensive Military Voting Rights Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Missouri Congressional Delegation.

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 adopted **SCR 18**.

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, attempts across the nation to deregulate telecommunications services and energy services and sources have met with both success and failure in the effort to create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services which vary widely based on locality and, within a locality, may vary widely due to increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, the current nationwide effort to establish competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources has potential benefits and adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources necessitate a fair and equitable tax structure across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Ninetieth General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-first General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint legislative committee on Telecommunications and Energy be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and that said committee be authorized to function throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale, including consideration of the effects on residential customers, small and large business customers, utility shareholders and other stakeholders, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

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 adopted **SCR 20**.

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, the trucking industry is a major part of the Missouri economy with considerable interest in highway safety in our state; and

WHEREAS, the trucking industry employs thousands of commercial truck drivers that necessitates criminal background checks to insure that its drivers are responsible citizens; and

WHEREAS, the Missouri Uniform Law Enforcement System provides access to only criminal background information on criminal records in Missouri; and

WHEREAS, the National Crime Information Center under the Federal Bureau of Investigation is only available to law enforcement agencies for law enforcement purposes:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the need for the trucking industry to have access to such information in the interest of insuring that its drivers are responsible citizens and thus promoting safety on our highways and urges the United States Department of Justice to provide access to such information to the trucking industry; and

BE IT FURTHER RESOLVED, that the Missouri General Assembly urges the United States Congress to enact legislation to cause information contained in the National Online Information Center to be accessible to the trucking industry; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare property inscribed copies to each member of Missouri's Congressional delegation and the United States Department of Justice.

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 32**, entitled:

An act to repeal section 162.790, RSMo 2000, relating to state funding for the education of certain disabled students, 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 123**, entitled:

An act to repeal section 21.750, RSMo 2000, relating to rights of political subdivisions, 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 **SS SB 244**, entitled:

An act to amend chapters 302 and 431, RSMo, by adding thereto two new sections relating to the nonpayment of goods and services.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Wagner is no longer a member of the Workers Compensation and Employment Security Committee.

Representative Bland has been appointed a member of the Workers Compensation and Employment Security Committee.

Representative Wagner has been appointed a member of the Sportsmanship, Safety and Firearms Committee.

Representative Griesheimer has been appointed a member of the Joint Committee on Gaming and Wagering.

Representative Dolan has been appointed a member of the Joint Committee on Gaming and Wagering.

Representative Roark has been appointed a member of the Joint Committee on Transportation Oversight.

The following member's presence was noted: Van Zandt.

ADJOURNMENT

On motion of Representative Foley, the House adjourned until 3:00 p.m., Monday, March 12, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-fifth Day, Thursday, March 1, 2001, page 549, line 25, by inserting immediately after said line the following:

HB 807 - Children, Families and Health

Correct House Journal, Thirty-eighth Day, Wednesday, March 7, 2001, pages 601 and 602, roll call, by showing Representatives George and Harding voting "aye" rather than "absent with leave".

Pages 605 and 606, roll call, by showing Representatives Copenhaver and Gambaro voting "no" rather than "absent with leave".

Pages 608 and 609, roll call, by showing Representative George voting "no" rather than "absent with leave".

Pages 611 and 612, roll call, by showing Representative Levin voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, March 12, 2001, 1:00 pm. Hearing Room 7.
Statewide Leasing. Hearing and mark-up.

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. CANCELLED.

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 14, 2001. Hearing Room 1 upon morning adjournment.
Executive Session to follow.
To be considered - HB 833, HB 891, HB 915

COMMERCE AND ECONOMIC DEVELOPMENT

Tuesday, March 13, 2001. Hearing Room 6 upon morning adjournment.
Executive Session may follow. AMENDED.
To be considered - HB 837, HB 875

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, March 13, 2001, 8:00 pm. Hearing Room 7.

Executive Session may follow.

To be considered - HB 147, HB 150, HB 155, HB 231, HB 347, HB 645

CRIMINAL LAW

Wednesday, March 14, 2001, 8:00 pm. Hearing Room 7.

Executive Session will follow.

To be considered - HB 440, HB 777, HB 811, HB 819, HB 829, HB 883

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

ELECTIONS

Tuesday, March 13, 2001, 7:30 pm. Hearing Room 5.

Executive Session may follow.

To be considered - HB 697, HB 772, HB 782

FISCAL REVIEW AND GOVERNMENT REFORM

Tuesday, March 13, 2001, 8:30 am. Hearing Room 7.

To be considered - HB 26, HB 381, Executive Session - HJR 10, Executive Session - HJR 12

INSURANCE

Tuesday, March 13, 2001, 12:00 pm. Side gallery.

Hearing will begin at noon or upon morning adjournment.

To be considered - HB 644, HB 664, HB 793

JUDICIARY

Tuesday, March 13, 2001. Hearing Room 5 upon morning adjournment.

Executive Session may follow.

To be considered - HB 815, HB 862

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 13, 2001, 1:00 pm. Hearing Room 1.

Executive Session to follow.

To be considered - HB 648, HB 729, HB 797, HB 805, HB 897

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Wednesday, March 14, 2001, 7:00 pm. Hearing Room 6.

Work session on TANF.

To be considered - HB 870

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.

SUBCOMMITTEE ON LEGISLATIVE RESEARCH & OVERSIGHT
Monday, March 12, 2001, 2:30 pm. Hearing Room 6.
Challenge Fiscal Note.
To be considered - HB 108, HB 285, HB 338, HB 381, SB 97, SB 401

HOUSE CALENDAR

FORTIETH DAY, MONDAY, MARCH 12, 2001

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 18

HOUSE BILLS FOR SECOND READING

HB 935 through HB 958

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HB 1 - Bonner
- 2 HCS HB 2 - Graham
- 3 HCS HB 3 - Graham
- 4 HCS HB 4 - Bonner
- 5 HCS HB 5 - Bonner
- 6 HCS HB 6 - Ransdall
- 7 HCS HB 7 - Ransdall
- 8 HCS HB 8 - Kelly (27)
- 9 HCS HB 9 - Kelly (27)
- 10 HCS HB 10 - Riback Wilson (25)
- 11 HCS HB 11 - Troupe
- 12 HCS HB 12 - Bonner

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 HB 166 - Troupe
- 3 HB 114 - Hickey
- 4 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

(March 12, 2001)

- 1 HB 603 - Hilgemann
- 2 HB 788 - O'Connor
- 3 HB 742 - Harding
- 4 HB 361 - Shoemyer
- 5 HB 808 - Gratz

- 6 HB 691 - Barnett
- 7 HB 454 - Monaco
- 8 HB 212 - Ward
- 9 HB 757 - Shoemyer
- 10 HB 477 - Graham
- 11 HB 45 - Farnen
- 12 HB 459 - Liese
- 13 HB 420 - Williams
- 14 HB 732 - Hosmer
- 15 HB 642 - Relford
- 16 HB 626 - Hosmer
- 17 HB 693 - Smith
- 18 HB 769 - Harlan
- 19 HB 537 - Ostmann
- 20 HB 544 - Holand
- 21 HB 318 - O'Toole
- 22 HB 385 - Franklin

HOUSE BILLS FOR THIRD READING

- 1 HS HB 381, (Fiscal Review 3-01-01) - Hoppe
- 2 HCS HB 26, (Fiscal Review 3-5-01) - Wilson (42)

SENATE CONCURRENT RESOLUTIONS FOR SECOND READING

- 1 SCR 10
- 2 SS SCR 13
- 3 SCR 16
- 4 SCR 18
- 5 SCR 20

SENATE BILLS FOR SECOND READING

- 1 SCS SB 4
- 2 SB 32
- 3 SB 123
- 4 SCS SB 149
- 5 SCS SB 234
- 6 SS SB 244
- 7 SB 316
- 8 SCS SB 341
- 9 SB 371
- 10 SCS SB 383
- 11 SB 430
- 12 SB 441