

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SIXTY-SECOND DAY, WEDNESDAY, APRIL 25, 2001

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

O Lord, if You should mark our iniquities, who here could stand. There is enough bad in the best of us and enough good in the worst of us, so we dare not, with impunity, criticize any among us.

As the men and women of the House begin this new day that You give, keep them focused on the needs of the people; and bless them so they may be the best they can be. 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: Shamon Farrell, Erin Mayes, Levi Rash, Kelsey Wilt, Michael Barge, JoAnn Benfield, Amanda Neal, Tara Wyrick, Kevin Brady, Katherine McCloskey, Katie Halenkamp, Alex La Barge, Audrey Warman, Noble Bellis, Tiffany Rodriguez and Katherine Hessel.

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

AYES: 086

Abel	Baker	Barnitz	Barry 100	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Campbell
Carnahan	Clayton	Coleman	Copenhaver	Crump
Curls	Davis	Farnen	Foley	Ford
Franklin	Fraser	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 36	Kennedy	Koller	Lawson
Liese	Lowe	Luetkenhaus	Marsh	Mays 50
McKenna	Merideth	Monaco	O'Connor	O'Toole
Overschmidt	Ransdall	Relford	Reynolds	Rizzo
Scheve	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	Surface	Thompson	Treadway
Troupe	Van Zandt	Villa	Wagner	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

1314 *Journal of the House*

NOES: 067

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Boatright	Burcham	Burton
Byrd	Champion	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Enz
Fares	Froelker	Gaskill	Griesheimer	Hanaway
Hartzler	Hegeman	Henderson	Hendrickson	Hohulin
Hunter	Jetton	Kelley 47	Kelly 144	King
Levin	Linton	Long	Luetkemeyer	Marble
May 149	Mayer	Miller	Moore	Murphy
Myers	Naeger	Nordwald	Ostmann	Phillips
Portwood	Purgason	Rector	Reid	Reinhart
Richardson	Roark	Robirds	Ross	Schwab
Scott	Secrest	Shields	St. Onge	Townley
Vogel	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Gambaro	Holand	Kelly 27	Legan	Lograsso
Ridgeway	Wiggins			

VACANCIES: 003

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1634 - Representative Relford
House Resolution No. 1635 - Representative Hampton
House Resolution No. 1636
and
House Resolution No. 1637 - Representative Hartzler
House Resolution No. 1638 - Representative Richardson
House Resolution No. 1639 - Representative Cooper
House Resolution No. 1640 - Representative Campbell
House Resolution No. 1641
and
House Resolution No. 1642 - Representative Shields
House Resolution No. 1643 - Representative Ridgeway
House Resolution No. 1644 - Representative May (149)
House Resolution No. 1645
through
House Resolution No. 1647 - Representative Thompson
House Resolution No. 1648 - Representative Wilson (42)
House Resolution No. 1649 - Representative Bray
House Resolution No. 1650 - Representatives Bray and Hollingsworth

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 HB 286, HCS HB 426, HB 436, HS HCS HB 488, HB 592, HCS HB 660, HB 678** and **HCS HB 831**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Representative Smith assumed the Chair.

SENATE BILLS FOR THIRD READING - CONSENT

SB 25, relating to the University of Missouri, was taken up by Representative Farnen.

On motion of Representative Farnen, **SB 25** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	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	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 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	Reid
Reinhart	Relford	Reynolds	Richardson	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	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

1316 *Journal of the House*

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Cierpiot	Froelker	Gambaro	Henderson	Kelly 27
Ridgeway	Wiggins			

VACANCIES: 003

Representative Smith declared the bill passed.

HCS SB 441, relating to third class cities, was taken up by Representative Williams.

On motion of Representative Williams, **HCS SB 441** was adopted.

On motion of Representative Williams, **HCS SB 441** was read the third time and passed by the following vote:

AYES: 148

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	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	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Lawson	Levin	Liese	Linton	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	Richardson
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 002

Hendrickson Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 010

Berkowitz	Bray 84	Froelker	Gambaro	Hohulin
Kennedy	Legan	Lograsso	Ridgeway	Wiggins

VACANCIES: 003

Representative Smith declared the bill passed.

HCS SB 521, relating to workers' compensation safety programs, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HCS SB 521** was adopted.

On motion of Representative Luetkenhaus, **HCS SB 521** 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	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burcham	Burton	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Franklin
Fraser	Gaskill	George	Graham	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	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	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

1318 *Journal of the House*

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Byrd	Ford	Froelker	Gambaro	Gratz
Green 15	Hohulin	Lograsso	Wiggins	

VACANCIES: 003

Representative Smith declared the bill passed.

SCS SB 301, relating to conveyance in Buchanan County, was taken up by Representative Hegeman.

On motion of Representative Hegeman, **SCS SB 301** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel	Baker	Ballard	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Burcham	Burton	Campbell	Carnahan	Champion
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	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	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	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 001

Jolly

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 007

Barnett	Byrd	Cierpiot	Froelker	Gambaro
Holand	Wiggins			

VACANCIES: 003

Representative Smith declared the bill passed.

SB 295, relating to state aid to community colleges, was taken up by Representative McKenna.

On motion of Representative McKenna, **SB 295** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	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	Levin	Liese
Linton	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
Ransdall	Rector	Reinhart	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	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Boucher	Byrd	Dolan	Froelker	Gambaro
Harlan	Lograsso	Purgason	Reid	Wiggins

VACANCIES: 003

Representative Smith declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 428, as amended, relating to eluding a law enforcement official, was taken up by Representative Kelly (36).

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

Speaker Pro Tem Abel assumed the Chair.

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

The Chair ruled the point of order well taken.

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

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

The Chair ruled the point of order well taken.

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

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

The Chair ruled the point of order not well taken.

House Amendment No. 2 was withdrawn.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 428, Page 1, Section 575.155, Line 14, by inserting before the number “3.” the following:

“when the person eludes a law enforcement official by operating a motor vehicle and such operation presents a substantial risk of serious bodily injury or death to any person, and in all other cases knowingly eluding a law enforcement official is a class A misdemeanor.”; and

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

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

On motion of Representative Kelly (36), **HCS HB 428, as amended**, was adopted.

On motion of Representative Kelly (36), **HCS HB 428, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 14, relating to appropriations, was taken up by Representative Green (73).

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

House Amendment No. 1 was withdrawn.

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

Representative Selby raised a point of order that **House Amendment No. 1** is not a true amendment.

The Chair ruled the point of order well taken.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 14, Page 5, Section 14.020, Line 4, by deleting the number “10,915,747” and inserting in lieu thereof the number “25,084,080”; and

Further amend said section, Page 6, Line 24, by deleting the number “2,636,700” and inserting in lieu thereof the number “6,768,367”; and

Further amend said section and page, Line 25, by deleting the number “14,100,000” and inserting in lieu thereof the number “32,400,000”; and

Further amend said bill, Page 7, Section 14.050, by deleting and section and inserting in lieu thereof the following:

“Section 14.050. There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund Thirty-Two Million, Four Hundred Thousand Dollars (\$32,400,000) to the Healthy Families Trust Fund - Tobacco Prevention Account
 From Healthy Families Trust Fund \$32,400,000”; and

Further amend said page, Section 14.060, by deleting said section and inserting in lieu thereof the following:

“Section 14.060. There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund, One Hundred Six Million, Seven Hundred Thousand Dollars (\$106,700,000) to the Fund for Missouri’s Future
 From Health Families Trust Fund \$106,700,000”.

Representative Foley raised a point of order that **House Amendment No. 1** is out of order in accordance to Rule 49.

The Chair ruled the point of order not well taken.

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

Which motion was defeated by the following vote:

AYES: 023

Baker	Bartelsmeyer	Bearden	Boucher	Bray 84
Burcham	Copenhaver	Crawford	Dolan	Gaskill
Hagan-Harrell	Henderson	Hendrickson	Holt	Hosmer
Johnson 90	Jolly	Kelly 27	May 149	Nordwald
Portwood	Williams	Wilson 25		

NOES: 119

Abel	Ballard	Barnett	Barnitz	Bartle
Behnen	Berkowitz	Black	Bland	Boatright
Bowman	Boykins	Britt	Brooks	Burton
Campbell	Carnahan	Champion	Cierpiot	Coleman
Cooper	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Enz	Farnen	Foley
Ford	Franklin	Fraser	Froelker	George
Graham	Gratz	Green 73	Griesheimer	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Hoppe
Hunter	Jetton	Johnson 61	Kelley 47	Kelly 144
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naegeer
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Rizzo	Roark	Robirds
Ross	Scheve	Shwab	Scott	Seigfreid
Selby	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Treadway	Troupe
Van Zandt	Villa	Wagner	Walton	Ward
Willoughby	Wilson 42	Wright	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 018

Barry 100	Berkstresser	Bonner	Byrd	Clayton
Fares	Gambaro	Green 15	Harlan	Hohulin
Long	Richardson	Ridgeway	Secret	Shelton
Townley	Vogel	Wiggins		

VACANCIES: 003

Representative Scott offered House Amendment No. 2.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 14, Page 1, Section 14.005, Line 4, by deleting the number "2,015,511" and inserting in lieu thereof the number "1,015,511"; and

Further amend said section, Line 7, by deleting the number "2,168,633" and inserting in lieu thereof the number "1,168,633"; and

Further amend said section, Line 7, by inserting immediately after said line the following:

"To the Department of Health
 For the Center for Local Public Health Services
 For the purpose of funding core public health functions and related expenses
 From Healthy Families Trust Fund - Health Care Account 1,000,000".

HCS HB 14, with House Amendment No. 2, pending, was laid over.

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 HB 236**, entitled:

An act to amend chapter 210, RSMo, by adding thereto one new section relating to the state juvenile information system.

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 **HB 266**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 491**, entitled:

An Act to repeal sections 77.370 and 77.450, RSMo 2000, relating to certain municipalities, 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 **HB 664**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 745**.

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

AFTERNOON SESSION

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

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Taylor Keal.

Mike Otto, Missouri's Outstanding Principal, addressed the House.

RESOLUTION

Representative Troupe offered House Resolution No. 1668.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 1651 - Representative Kelly (27)
- House Resolution No. 1652 - Representative Fares
- House Resolution No. 1653 - Representative Bonner
- House Resolution No. 1654 - Representatives Harding and Phillips
- House Resolution No. 1655
- and
- House Resolution No. 1656 - Representative Kelly (36)
- House Resolution No. 1657 - Representative Skaggs
- House Resolution No. 1658 - Representative Boucher, et al
- House Resolution No. 1659
- through
- House Resolution No. 1664 - Representative Lograsso, et al
- House Resolution No. 1665 - Representative Lograsso
- House Resolution No. 1666
- and
- House Resolution No. 1667 - Representative Ward

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 14, with House Amendment No. 2, pending, relating to appropriations, was again taken up by Representative Green (73).

Representative Scott moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bearden	Behnen	Berkstresser	Black	Boatright
Boucher	Britt	Burcham	Byrd	Cooper
Copenhaver	Crawford	Crowell	Dempsey	Dolan
Enz	Fares	Gaskill	Gratz	Griesheimer
Hampton	Hanaway	Hartzler	Hegeman	Henderson
Hendrickson	Hunter	Jetton	Kelley 47	Kelly 144
Kelly 36	King	Koller	Legan	Levin
Lograsso	Luetkemeyer	Marble	Marsh	May 149
Mayer	Merideth	Miller	Moore	Myers
Naeger	Nordwald	Ostmann	Phillips	Purgason
Rector	Reid	Reinhart	Richardson	Roark
Robirds	Scott	Surface	Treadway	Vogel
Ward	Wright			

NOES: 083

Abel	Baker	Bartle	Berkowitz	Bland
Bonner	Bowman	Boykins	Bray 84	Brooks
Burton	Campbell	Carnahan	Clayton	Coleman
Crump	Cunningham	Curls	Davis	Farnen
Foley	Ford	Franklin	Fraser	George
Graham	Green 15	Green 73	Hagan-Harrell	Harding
Harlan	Haywood	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hosmer	Johnson 61
Johnson 90	Jolly	Kelly 27	Kennedy	Lawson
Liese	Linton	Lowe	Luetkenhaus	Mays 50
McKenna	Monaco	Murphy	O'Connor	O'Toole
Overschmidt	Portwood	Ransdall	Relford	Reynolds
Rizzo	Ross	Scheve	Schwab	Seigfreid
Selby	Shields	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Townley	Troupe	Van Zandt
Villa	Wagner	Walton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 010

Champion	Cierpiot	Froelker	Gambaro	Hoppe
Long	Ridgeway	Secrest	Shelton	Wiggins

VACANCIES: 003

Representative Purgason moved that Rule 49(d) be suspended for the purpose of offering and adopting **HS HCS HB 14**.

Representative Monaco raised a point of order that the motion to offer **HS HCS HB 14** is not timely.

The Chair ruled the point of order not well taken.

Representative Crump requested a division of the question on the motion to suspend Rule 49(d) and the offering and adoption of **HS HCS HB 14**.

PART I - Suspension of Rule 49(d)

On motion of Representative Purgason, **Part I** was adopted by the following vote:

AYES: 129

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Coleman	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Enz	Fares	Foley	Ford
Franklin	Fraser	Froelker	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hampton	Harding	Harlan	Hartzler	Haywood
Henderson	Hendrickson	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 36	Kennedy	King	Lawson	Levin
Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
O'Toole	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Roark	Robirds	Ross	Schwab	Scott
Secrest	Seigfreid	Shields	Skaggs	Smith
St. Onge	Surface	Thompson	Treadway	Van Zandt
Villa	Vogel	Wagner	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 020

Bearden	Clayton	Cooper	Dolan	Farnen
Hagan-Harrell	Hanaway	Hegeman	Hickey	Koller
Murphy	Reynolds	Rizzo	Scheve	Selby
Shoemyer	Townley	Troupe	Walton	Ward

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Gambaro	Hoppe	Kelly 27	Legan
Lograsso	Ostmann	Richardson	Ridgeway	Shelton
Wiggins				

VACANCIES: 003

Part II - Offering and adoption of HS HCS HB 14.

Representative Purgason offered **HS HCS HB 14**.

Representative Purgason moved that **HS HCS HB 14** be adopted.

Which motion was defeated by the following vote:

AYES: 042

Ballard	Bartelsmeyer	Bartle	Behnen	Berkstresser
Boatright	Burton	Champion	Cierpiot	Cooper
Crowell	Cunningham	Dempsey	Griesheimer	Henderson
Hendrickson	Hilgemann	Hohulin	Hoppe	Hunter
Jetton	Kelley 47	Kelly 144	King	Levin
Linton	Long	Luetkemeyer	Marble	Marsh
May 149	Miller	Murphy	Naeger	Phillips
Purgason	Rector	Roark	Robirds	Scott
Secrest	Wright			

NOES: 112

Abel	Baker	Barnett	Barnitz	Barry 100
Bearden	Berkowitz	Black	Bland	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Byrd	Campbell	Carnahan
Clayton	Coleman	Crawford	Crump	Curls
Davis	Dolan	Enz	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gaskill	George	Graham	Gratz	Green 15
Green 73	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Hickey	Holand
Hollingsworth	Holt	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 27	Kelly 36	Kennedy	Koller
Lawson	Legan	Liese	Lograsso	Lowe
Luetkenhaus	Mayer	Mays 50	McKenna	Merideth
Monaco	Moore	Myers	Nordwald	O'Connor
O'Toole	Ostmann	Portwood	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Ross	Scheve	Schwab	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Van Zandt	Villa	Vogel	Wagner
Walton	Ward	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 006

Copenhaver	Gambaro	Harlan	Overschmidt	Troupe
Wiggins				

VACANCIES: 003

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

Representative Hanaway raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Green (73), **HCS HB 14** was adopted.

On motion of Representative Green (73), **HCS HB 14** was ordered perfected and printed.

PERFECTION OF HOUSE BILL - INFORMAL

HB 555, relating to life sciences research program, was taken up by Representative Foley.

Representative Foley offered **HS HB 555**.

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

House Amendment No. 1

AMEND House Substitute for House Bill No. 555, Page 8, Section 192.1010, Line 12, by inserting immediately after said line the following:

“9. Notwithstanding any provision of sections 192.1010 to 192.1035 to the contrary, moneys granted by the life sciences research board shall not be used for performing, assisting with, or referring for abortions, or encouraging or counseling patients to have abortions.”; and

Further amend current subsection 9 of said section by renumbering said section accordingly.

Representative Liese offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

House Substitute Amendment No. 1 for House Amendment No. 1

AMEND House Substitute for House Bill No. 555, Page 8, Section 192.1010, Line 15 of said page, by deleting the number "**192.1030**" and inserting in lieu thereof the number "**192.1035**"; and

Further amend said bill, Pages 16 and 17, Section 192.1035, by deleting all of said section and inserting in lieu thereof the following:

"192.1035. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted or used to subsidize in whole or in part:

- (1) Abortion services; or**
- (2) Destructive human research; or**
- (3) Development of drugs or chemicals intended to be used to induce an abortion; or**
- (4) Human cloning.**

2. For purposes of this section, the following terms mean:

(1) "Abortion services", performing or inducing, assisting in performing or inducing, or referring a woman for an abortion, except when necessary to save the life of the mother;

(2) "Child", if in utero, the same as an unborn child as defined in section 188.015, RSMo, and if ex utero, a human being at any of the stages of biological development of an unborn child from conception onward;

(3) "Destructive human research", research in which there is the taking or utilization of the organs, tissue or cellular material of a:

(a) Deceased child, unless consent is given in the manner provided in sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent cause the death of such child or consented to another person causing the death of such child;

(b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(4) "Facilities and administrative costs", those costs that are incurred for common or joint objectives and therefor cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) "Grant awards", awards of state funds pursuant to sections 192.1010 to 192.1035;

(6) "Human cloning", the replication of a human being genetically identical to another human being;

(7) "Research project", research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1035, regardless of whether the research is funded in whole or part by such grant award. Such research shall include basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and development research and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety.

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1035 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, destructive human research, development of drugs or chemicals intended to be used to induce an abortion or human cloning. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1035; provided, however, the research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of sections 192.1010 to 192.1035. The life sciences research board shall not approve a grant award unless the board makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1035. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The board shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.

5. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, members of the board, and the officers and employees of the department and the board in any circuit court with jurisdiction to enforce the provisions of this section.

6. Sections 192.1010 to 192.1035 shall not be construed to permit or make lawful any conduct that is otherwise unlawful pursuant to the laws of this state.

7. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of this section are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of this section is found to be invalid, unenforceable or unconstitutional, all of the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable."; and

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

On motion of Representative Liese, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Substitute for House Bill No. 555, Page 17, Section 192.1035, Line 3, by inserting after said line the following:

“196.1075. 1. As used in sections 196.1075 to 196.1105, the following terms mean:

- (1) "Account", an account within the health care trust fund created in subsection 2 of this section;**
- (2) "Health care trust fund", the fund created in subsection 2 of this section;**
- (3) "MSA", the master settlement agreement entered into on November 23, 1998, as amended, in the tobacco case;**

(4) "Tobacco case", the case of *State of Missouri ex rel. Jeremiah W. (Jay) Nixon, Attorney General v. The American Tobacco Company, Inc., et al.*, case number 972-1465, filed in the circuit court of the City of St. Louis, state of Missouri;

(5) "Tobacco claim", any claim of the state of Missouri for conduct, acts or omissions arising out of or in any way related, in whole or in part, to the use, sale, distribution, manufacture, development, advertising, marketing or health affects of tobacco products; the exposure to tobacco products; or research, statements or warnings regarding the potential adverse affects of tobacco use, including those asserted in the tobacco case and any claims of the same or similar nature against any person or entity, including but not limited to the defendants in the tobacco case, provided that a claim of the state of Missouri for taxes or licensure fees shall not be considered a tobacco claim;

(6) "Tobacco claim payment", any moneys or proceeds of any moneys, including interest thereon, paid into the state treasury as a result of a tobacco claim, including but not limited to a payment to the state of Missouri pursuant to the MSA or any other tobacco claim settlement, award or judgment. Tobacco claim payment shall include any moneys paid into the state treasury that results in a direct offset or reduction of moneys received into the state treasury pursuant to the MSA or any other tobacco claim settlement, award or judgment.

2. The first one hundred twenty-five million dollars of tobacco claim payments shall be deposited in an endowment fund to be known as the "Fund for Missouri's Future" and shall not be subject to appropriation without a two-thirds vote of the members elected to each house of the general assembly as authorized by a concurrent resolution. The state treasurer shall invest moneys in the fund in the same manner as surplus funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of the moneys in the fund for Missouri's future shall be credited to such fund until the corpus of the fund reaches one billion dollars. Any tobacco claim payments received by the state after the initial one hundred twenty-five million dollars is deposited in the fund for Missouri's future and any earnings resulting from the investment of the moneys in the fund after the corpus of the fund reaches one billion dollars shall be deposited into a special trust fund to be known as the "Health Care Trust Fund" and shall be allocated by the state treasurer into separate accounts within the health care trust fund in accordance with sections 196.1075 to 196.1105 and shall be subject to appropriation for smoking prevention and cessation, early childhood care and education, prescription drug coverage and health care, and life sciences and medical research.

3. No moneys shall be withdrawn from the health care trust fund or any account of such fund except by an appropriation for the purpose and use authorized for such fund and any applicable account. No obligation for payment of moneys so appropriated from the health care trust fund and any applicable account of such fund shall be incurred and paid unless the commissioner of the office of administration certifies it for payment and further certifies that:

(1) The moneys were properly allocated to the health care trust fund and any applicable account by the state treasurer;

(2) The expenditure is within the purpose and use required for the health care trust fund and any applicable account;

(3) The expenditure is within any more specific purpose or use lawfully contained within the appropriation made by the general assembly; and

(4) There is an appropriation of an unencumbered balance within the health care trust fund and any applicable account sufficient to pay it.

At the time of issuance, each certification shall be entered on the general accounting books as an encumbrance on the appropriation.

196.1078. 1. The state treasurer shall allocate tobacco claim payments credited to the health care trust fund as follows:

(1) Fifty-five percent of such moneys shall be placed into the prescription drug coverage and health care treatment and access account created in subsection 1 of section 196.1081;

(2) Ten percent of such moneys shall be placed into the tobacco prevention, education and cessation account created in section 196.1084;

(3) Fifteen percent of such moneys shall be placed into the early childhood care and education account created in section 196.1087;

(4) Twenty percent of such moneys shall be placed into the life sciences and medical research account created in section 196.1090.

2. All moneys in the health care trust fund shall be appropriated by the general assembly in a separate appropriations bill.

196.1081. The "Prescription Drug Coverage and Health Care Treatment and Access Account" is hereby created within the health care trust fund. Appropriations made by the general assembly from the health care treatment and access account, shall be used and expended solely for prescription drug coverage and health care.

196.1084. The "Tobacco Prevention, Education and Cessation Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for tobacco prevention, education and/or cessation, including but not limited to programs to prevent tobacco usage by minors, to prevent or reduce tobacco usage generally, and to prevent tobacco addiction.

196.1087. The "Early Childhood Care and Education Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for early childhood care and/or education, including but not limited to community grants. Appropriations made by the general assembly from the account shall be used and expended solely for the purpose provided in this section.

196.1090. The "Life Sciences and Medical Research Account" is hereby created within the health care trust fund and shall be used and expended solely for life sciences and medical research purposes.

196.1096. The commissioner of administration shall establish such books of account as are necessary to account for the proceeds of any tobacco claim payments made to the state of Missouri and interest thereon and shall make or refuse to make such certifications as are necessary to ensure that these funds are allocated, used and expended only for the purposes and in the proportions set forth in sections 196.1075 to 196.1105.

196.1099. Moneys which are appropriated from the health care trust fund for the purposes provided in sections 196.1075 to 196.1105 shall constitute additional amounts over and above any moneys that are appropriated for such purposes from general revenue as of July 1, 2000. The state shall not reduce the level of funding that was in effect on July 1, 2000, for such a purpose from general revenue sources because of the appropriation of moneys for such purpose from the health care trust fund.

196.1102. Any moneys received by the state as a result of the tobacco settlement agreement together with interest and earnings thereon shall not be classified as "total state revenues" as defined in sections 17 and 18 of article X of the Missouri Constitution and the expenditure of such moneys shall not be an "expense of state government" pursuant to section 20 of article X of the Missouri Constitution.

196.1105. Any funds received by the state as a result of any legal settlement or award which is not by statute dedicated to a specific fund or program shall be subject to appropriation by the general assembly for programs related to health care and education.

Section B. Section A of this act is hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the Tuesday immediately following the first Monday in November, 2001, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petition, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

Section C. The official summary statement for the proposed referendum measure of this act shall read as follows:

"Authorizes deposit of tobacco settlement moneys into funds for use in smoking prevention, health care and prescription drug coverage for seniors, life sciences and medical research, early childhood care and education, and an endowment fund which would not be subject to the constitutional limit on state spending. Defeat of the referendum measure would not create the funds and the moneys shall be credited to general revenue for appropriation by the general assembly."; and

Further amend the title and enacting clause accordingly.

Representative Scheve 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 Bill No. 555, Page 1, In the Title, Lines 2 to 4 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"To amend chapters 192 and 196, RSMo, by adding thereto nineteen new sections relating to a life sciences research program and tobacco settlement, with a referendum clause for certain sections."; and

Further amend said bill, Page 17, Section 192.1035, Line 3 of said page, by inserting after all of said line the following:

"196.1075. 1. As used in sections 196.1075 to 196.1105, the following terms mean:

- (1) "Account", an account within the health care trust fund created in subsection 2 of this section;**
- (2) "Health care trust fund", the fund created in subsection 2 of this section;**
- (3) "MSA", the master settlement agreement entered into on November 23, 1998, as amended, in the tobacco case;**
- (4) "Tobacco case", the case of *State of Missouri ex rel. Jeremiah W. (Jay) Nixon, Attorney General v. The American Tobacco Company, Inc., et al.*, case number 972-1465, filed in the circuit court of the City of St. Louis, state of Missouri;**
- (5) "Tobacco claim", any claim of the state of Missouri for conduct, acts or omissions arising out of or in any way related, in whole or in part, to the use, sale, distribution, manufacture, development, advertising, marketing or health affects of tobacco products; the exposure to tobacco products; or research, statements or warnings regarding the potential adverse affects of tobacco use, including those asserted in the tobacco case and any claims of the same or similar nature against any person or entity, including but not limited to the defendants in the tobacco case, provided that a claim of the state of Missouri for taxes or licensure fees shall not be considered a tobacco claim;**
- (6) "Tobacco claim payment", any moneys or proceeds of any moneys, including interest thereon, paid into the state treasury as a result of a tobacco claim, including but not limited to a payment to the state of Missouri pursuant to the MSA or any other tobacco claim settlement, award or judgment. Tobacco claim payment shall include any moneys paid into the state treasury that results in a direct offset or reduction of moneys received into the state treasury pursuant to the MSA or any other tobacco claim settlement, award or judgment.**

2. The first one hundred twenty-five million dollars of tobacco claim payments shall be deposited in an endowment fund to be known as the "Fund for Missouri's Future" and shall not be subject to appropriation without a two-thirds vote of the members elected to each house of the general assembly as authorized by a concurrent resolution. The state treasurer shall invest moneys in the fund in the same manner as surplus funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of the moneys in the fund for Missouri's future shall be credited to such fund until the corpus of the fund reaches one billion dollars. A separate and special trust fund to be known as the "Health Care Trust Fund" is hereby created in the state treasury. All tobacco claim payments received by the state after the initial one hundred twenty-five million dollars is deposited in the fund for Missouri's future as provided in this subsection and all earnings resulting from the investment of the moneys in the fund for Missouri's future after the corpus of such fund reaches one billion dollars shall be deposited into the health care trust fund. All moneys received in the health care trust fund shall be allocated by the state treasurer into separate accounts within the health care trust fund in accordance with sections 196.1075 to 196.1105 and shall be subject to appropriation for smoking prevention and cessation, early childhood care and education, prescription drug coverage and health care, and life sciences and

medical research. If a transfer of the one hundred twenty-five million dollars into the endowment fund is made prior to the effective date of the act, it shall satisfy the provisions of this subsection and no additional transfers into the endowment fund shall be made unless as further provided by law.

3. No moneys shall be withdrawn from the health care trust fund or any account of such fund except by an appropriation for the purpose and use authorized for such fund and any applicable account. No obligation for payment of moneys so appropriated from the health care trust fund and any applicable account of such fund shall be incurred and paid unless the commissioner of the office of administration certifies it for payment and further certifies that:

(1) The moneys were properly allocated to the health care trust fund and any applicable account by the state treasurer;

(2) The expenditure is within the purpose and use required for the health care trust fund and any applicable account;

(3) The expenditure is within any more specific purpose or use lawfully contained within the appropriation made by the general assembly; and

(4) There is an appropriation of an unencumbered balance within the health care trust fund and any applicable account sufficient to pay it.

At the time of issuance, each certification shall be entered on the general accounting books as an encumbrance on the appropriation.

196.1078. 1. The state treasurer shall allocate tobacco claim payments credited to the health care trust fund as follows:

(1) Sixty percent of such moneys shall be placed into the prescription drug coverage and health care treatment and access account created in subsection 1 of section 196.1081;

(2) Ten percent of such moneys shall be placed into the tobacco prevention, education and cessation account created in section 196.1084;

(3) Ten percent of such moneys shall be placed into the early childhood and youth development care and education account created in section 196.1087;

(4) Twenty percent of such moneys shall be placed into the life sciences and medical research account created in section 196.1090.

2. All moneys in the health care trust fund shall be appropriated by the general assembly in a separate appropriations bill.

196.1081. The "Prescription Drug Coverage and Health Care Treatment and Access Account" is hereby created within the health care trust fund. Appropriations made by the general assembly from the health care treatment and access account, shall be used and expended solely for prescription drug coverage and health care.

196.1084. The "Tobacco Prevention, Education and Cessation Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for tobacco prevention, education and/or cessation, including but not limited to programs to prevent tobacco usage by minors, to prevent or reduce tobacco usage generally, and to prevent tobacco addiction.

196.1087. The "Early Childhood and Youth Development Care and Education Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for early childhood and youth development care and/or education, including but not limited to community grants. Appropriations made by the general assembly from the account shall be used and expended solely for the purpose provided in this section.

196.1090. The "Life Sciences and Medical Research Account" is hereby created within the health care trust fund and shall be used and expended solely for life sciences and medical research purposes.

196.1093. At least ten percent of moneys appropriated from the accounts pursuant to sections 196.1081, 196.1084, 196.1087 and 196.1090, other than moneys used for prescription drug coverage, shall be used for programs and grants that benefit minorities, women and at-risk children and communities through community based not-for-profit organizations.

196.1096. The commissioner of administration shall establish such books of account as are necessary to account for the proceeds of any tobacco claim payments made to the state of Missouri and interest thereon and shall make or refuse to make such certifications as are necessary to ensure that these funds are allocated, used and expended only for the purposes and in the proportions set forth in sections 196.1075 to 196.1105.

196.1099. Moneys which are appropriated from the health care trust fund for the purposes provided in

sections 196.1075 to 196.1105 shall constitute additional amounts over and above any moneys that are appropriated for such purposes from general revenue as of July 1, 2000. The state shall not reduce the level of funding that was in effect on July 1, 2000, for such a purpose from general revenue sources because of the appropriation of moneys for such purpose from the health care trust fund. This section shall not apply to amounts appropriated or expended for the purposes of administering section 135.095, RSMo.

196.1102. Any moneys received by the state as a result of the tobacco settlement agreement together with interest and earnings thereon shall not be classified as "total state revenues" as defined in sections 17 and 18 of article X of the Missouri Constitution and the expenditure of such moneys shall not be an "expense of state government" pursuant to section 20 of article X of the Missouri Constitution.

196.1105. Any funds received by the state as a result of any legal settlement or award which is not by constitution or statute dedicated to a specific fund or program shall be subject to appropriation by the general assembly for programs related to health care and education."; and

Further amend said bill, Page 17, Section 1, Line 24 of said page, by inserting after all of said line the following:

"Section B. Sections 196.1075, 196.1078, 196.1081, 196.1084, 196.1087, 196.1090, 196.1093, 196.1096, 196.1099, 196.1102 and 196.1105 of section A of this act is hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the Tuesday immediately following the first Monday in November, 2001, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petition, and it shall become effective on July 1, 2002, after approved by a majority of the votes cast thereon at such election and not otherwise.

Section C. The official summary statement for the proposed referendum measure of this act shall read as follows:

"Authorizes deposit of tobacco settlement moneys into funds for use in smoking prevention, health care and prescription drug coverage for seniors, life sciences and medical research, early childhood and youth development care and education, and an endowment fund which would not be subject to the constitutional limit on state spending. Defeat of the referendum measure would not create the funds and the moneys shall be credited to general revenue for appropriation by the general assembly."; and

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

On motion of Representative Scheve, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

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

Representative Foley raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

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

The Chair ruled the point of order well taken.

On motion of Representative Foley, **HS HB 555, as amended**, was adopted.

On motion of Representative Foley, **HS HB 555, as amended**, was ordered perfected and printed.

ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 25, relating to bonds for UMC sports arena, was taken up by Representative Graham.

Representative Graham offered **HS HCR 25**.

Representative Monaco assumed the Chair.

Speaker Kreider resumed the Chair.

On motion of Representative Graham, **HS HCR 25** was adopted.

Representative Scheve assumed the Chair.

On motion of Representative Graham, **HS HCR 25** was read the third time and passed by the following vote:

AYES: 083

Abel	Barry 100	Bartelsmeyer	Bartle	Bearden
Berkowitz	Berkstresser	Bland	Bonner	Bowman
Boykins	Britt	Brooks	Burton	Campbell
Carnahan	Cierpiot	Coleman	Crump	Curls
Davis	Dempsey	Dolan	Fares	Farnen
Foley	Franklin	Gaskill	George	Graham
Hagan-Harrell	Hanaway	Hartzler	Haywood	Hickey
Hilgemann	Hohulin	Holand	Holt	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Kelly 36
Kennedy	Koller	Levin	Liese	Long
Lowe	Luetkenhaus	Marsh	Mays 50	McKenna
Monaco	O'Connor	O'Toole	Ostmann	Overschmidt
Relford	Reynolds	Richardson	Rizzo	Robirds
Ross	Scheve	Secrest	Shelton	Shoemyer
Skaggs	Surface	Thompson	Treadway	Villa
Wagner	Walton	Ward	Williams	Willoughby
Wilson 42	Wright	Mr. Speaker		

NOES: 073

Baker	Ballard	Barnett	Barnitz	Behnen
Black	Boatright	Boucher	Bray 84	Burcham
Byrd	Champion	Clayton	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Enz	Fraser
Froelker	Gratz	Green 15	Green 73	Griesheimer
Hampton	Harding	Harlan	Hegeman	Henderson
Hendrickson	Hollingsworth	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 27	King	Lawson	Legan
Linton	Lograsso	Luetkemeyer	Marble	May 149
Mayer	Merideth	Miller	Moore	Murphy
Myers	Naeger	Nordwald	Phillips	Portwood

Purgason	Ransdall	Rector	Reid	Reinhart
Ridgeway	Roark	Schwab	Scott	Seigfreid
Selby	Shields	Smith	St. Onge	Townley
Van Zandt	Vogel	Wilson 25		

PRESENT: 000

ABSENT WITH LEAVE: 004

Ford	Gambaro	Troupe	Wiggins
------	---------	--------	---------

VACANCIES: 003

Representative Scheve declared the bill passed.

Representative Boucher requested a verification of the roll call on the third reading and final passage of **HS HCR 25**.

The Chair denied the request for a verification of the roll call on **HS HCR 25**.

PERFECTION OF HOUSE BILL

HCS HBs 663 & 375, relating to tax credits, was placed on the Informal Calendar.

COMMITTEE REPORTS

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 **SB 58, SCS SB 178, SCS SB 270, SB 321, SB 443, and SB 575** begs leave to report it has examined the same and pursuant to Rule 48 concurs in the reports of the committees of origin to place said bills on the House Consent Calendar for Third Reading and Final Passage.

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HCS SB 191**, begs leave to report it has examined the same and recommends that it be **returned to the committee of origin**.

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 **SS SCS SJRs 1 & 4**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof 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 **HB 48**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 129**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 180**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 247 & 330**, entitled:

An act to repeal sections 226.540, 226.550 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Emergency clause defeated.

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 **HCS HB 274**, entitled:

An act to repeal section 171.033, RSMo 2000, relating to inclement weather exceptions for mandatory days of school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

With Senate Amendment No. 1 to Senate Committee Amendment No. 1, Senate Committee Amendment No. 1, as amended.

Senate Committee Amendment No. 1

AMEND House Committee Substitute for House Bill No. 274, Page 2, Section 173.033, Line 20, by inserting after “**year.**” the following:

“A school district which held class for a full school day during the 2000-01 school year and after November 20, 2000, on a day in which at least one adjoining school district or at least one other district headquartered in the same county cancelled classes due to inclement weather may report its daily attendance for such day, for the purposes of determining state school aid pursuant to section 163.031, RSMo, based upon the district’s average daily attendance for the preceding school year, provided that no district may report attendance pursuant to this subsection for more than five school days during the 2000-01 school year.”.

*Senate Amendment No. 1
to
Senate Committee Amendment No. 1*

AMEND Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 274, Page 1, Line 1, by striking “**173.033**” and inserting in lieu thereof the following: “**171.033**”.

Emergency clause adopted.

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 **HB 454**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 551, 410, 539, 528 & 296**, entitled:

An act to repeal sections 208.029, 210.170, 210.536 and 453.073, RSMo 2000, relating to children and families, and to enact in lieu thereof four 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 HB 801**, entitled:

An act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, April 26, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-first Day, Tuesday, April 24, 2001, pages 1255 and 1256, roll call, by showing Representative Myers voting "aye" rather than "absent with leave".

Pages 1293 and 1294, roll call, by showing Representative Sanders Brooks voting "present" rather than "absent with leave".

Pages 1295 and 1296, roll call, by showing Representative Hanaway voting "aye" rather than "absent with leave".

Pages 1297 and 1298, roll call, by showing Representative Henderson voting "aye" rather than "absent with leave".

Pages 1299 and 1300, roll call, by showing Representatives Boatright and Enz voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

CHILDREN, FAMILIES, AND HEALTH

Thursday, April 26, 2001, 8:30 am. Hearing Room 5.

Executive Session.

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, April 26, 2001, 8:00 am. Senate Committee Room 2 (Room 119).

House Bills 2 through 12.

ENVIRONMENT AND ENERGY

Thursday, April 26, 2001, 8:30 am. Hearing Room 7.

Executive Session may follow.

To be considered - SCR 28

JOINT COMMITTEE ON GAMING AND WAGERING

Monday, April 30, 2001, 12:00 pm. Hearing Room 7.

State of the State: Gaming in MO, Missouri Gaming Commission,

Missouri Lottery and Horse Racing.

UTILITIES REGULATION

Thursday, April 26, 2001, 8:15 am. Hearing Room 6. Study Session.

Panel on Power Plant Construction.

Executive Session may follow.

HOUSE CALENDAR

SIXTY-THIRD DAY, THURSDAY, APRIL 26, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

1 HB 16, HCA 1 - Green (73)

2 HB 17, HCA 1 - Green (73)

HOUSE BILLS FOR PERFECTION

1 HCS HB 457, HA 2, as amended, tabled - Kreider

2 HCS HB 593 - Riback Wilson (25)

3 HCS HB 170 - Froelker

4 HCS HB 239 - Smith

5 HB 715 - Foley

- 6 HB 802 - Ransdall
- 7 HCS HB 374 - Fraser
- 8 HCS HB 635 - Barry
- 9 HCS HB 868 - Merideth
- 10 HCS HB 253 - Ross
- 11 HB 809, HCA 1 - Carnahan
- 12 HCS HB 340, 303 & 316 - Graham
- 13 HB 640 - Johnson (90)
- 14 HCS HB 723 - Mays (50)
- 15 HCS HB 117 - Riback Wilson (25)
- 16 HCS HB 307 - Wiggins
- 17 HCS HB 921 - Curls
- 18 HB 911 - Carnahan

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HCS HB 981 & 665 - Willoughby
- 3 HCS HB 853 & 258 - Crump
- 4 HCS HB 186 & 172 - Troupe
- 5 HCS HB 888, 942 & 943 - Scheve
- 6 HCS HB 279 - Shoemyer
- 7 HCS HB 472 - Burton
- 8 HCS HB 780 - Scheve
- 9 HCS HB 293 - Kennedy
- 10 HCS HB 663 & 375 - Kennedy

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 12, (3-29-01, page 894) - Haywood

HOUSE JOINT RESOLUTION FOR THIRD READING

HCS HJR 7 - Koller

HOUSE BILL FOR THIRD READING - APPROPRIATIONS

HCS HB 14 - Green (73)

HOUSE BILLS FOR THIRD READING

- 1 HS HB 349 - Hosmer
- 2 HS HCS HB 835, 90, 707, 373, 641, 510, 516 & 572, (Fiscal Review 4-23-01) - Britt
- 3 HS HCS HB 280, 69, 497 & 689, (Fiscal Review 4-19-01) - Hoppe
- 4 HB 527, (Fiscal Review 4-19-01) - Luetkenhaus
- 5 HS HB 736, (Fiscal Review 4-19-01) - Liese
- 6 HB 366, E.C. (Fiscal Review 4-19-01) - Champion
- 7 HS HB 286, E.C. - Smith
- 8 HB 436 - Merideth
- 9 HS HCS HB 488 - Koller
- 10 HB 592, E.C. (Fiscal Review 4-25-01) - Williams
- 11 HCS HB 660, E.C. - Hagan-Harrell
- 12 HB 678 - Seigfreid
- 13 HCS HB 426 - O'Toole
- 14 HCS HB 831 - Carnahan

SENATE JOINT RESOLUTION FOR SECOND READING

SS SCS SJR 1 & 4

SENATE BILLS FOR SECOND READING

- 1 SCS SB 247 & 330
- 2 SS SCS SB 551, 410, 539, 528 & 296

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SB 321 - Crump
- 2 SB 394 - Hosmer
- 3 SB 442 - O'Connor
- 4 SB 203 - O'Toole
- 5 HCS SCS SB 151 - Gaskill
- 6 SCS SB 234 - Kennedy
- 7 SB 553 - Barnett
- 8 SCS SB 270 - Monaco
- 9 SCS SB 341 - Britt
- 10 SB 87 - Smith
- 11 SCS SB 431, E.C. - Shoemyer
- 12 SB 142 - Robirds
- 13 SCS SB 383 - Harding
- 14 SB 436 - Koller
- 15 SB 606 - Clayton
- 16 SB 605 - Luetkenhaus
- 17 SB 111 - Ostmann

- 18 HCS SB 544 - Relford
- 19 SB 200 - Thompson
- 20 SB 316 - Hagan-Harrell
- 21 SCS SB 357, E.C. - Johnson (90)
- 22 SB 207 - Kennedy
- 23 SB 252 - Surface
- 24 SB 443, E.C. - Hosmer
- 25 SCS SB 384 - Johnson (90)
- 26 SCS SB 241 - Ward
- 27 HCS SCS SB 382, E.C. - Liese
- 28 SB 224, E.C. - Luetkemeyer
- 29 SB 179 - Wagner
- 30 SB 435 - Koller
- 31 SB 223 - Hosmer
- 32 HCS SCS SB 520 - Myers
- 33 HCS SB 227 - Burton
- 34 SB 110 - Ladd Baker
- 35 SCS SB 514 - Hosmer
- 36 SB 353, HCA 1 - Shields
- 37 HCS SB 274 - Harlan
- 38 HCS SCS SB 568 - Davis
- 39 SB 451 - Mays (50)
- 40 SCS SB 352 - Lawson
- 41 HCS SCS SB 178 - Hoppe
- 42 HCS SB 345 - Holt
- 43 HCS SCS SB 515 - Kennedy
- 44 SCS SB 407 - Hilgemann
- 45 SB 540 - Levin
- 46 HCS SCS SB 619, E.C. - Hoppe
- 47 SB 201 - Farnen
- 48 SB 58 - Wagner
- 49 SB 303 - Relford
- 50 HCS SB 610 - Hoppe
- 51 SCS SB 13 - Ross
- 52 HCS SB 543 - Britt
- 53 SB 556 - Hoppe
- 54 SB 575 - Davis
- 55 HCS SB 304 - Monaco
- 56 SB 406 - Scott
- 57 SCS SB 197 - Luetkenhaus
- 58 SB 148 - Seigfreid
- 59 HCS SB 307 - Froelker
- 60 HCS SB 348 - Barry
- 61 HCS SB 538 - Luetkemeyer

BILLS IN CONFERENCE

- 1 SCS HCS HB 2 - Green (73)
- 2 SCS HCS HB 3 - Green (73)
- 3 SCS HCS HB 4 - Green (73)
- 4 SCS HCS HB 5 - Green (73)
- 5 SCS HCS HB 6, as amended - Green (73)
- 6 SCS HCS HB 7 - Green (73)
- 7 SCS HCS HB 8 - Green (73)
- 8 SCS HCS HB 9 - Green (73)
- 9 SCS HCS HB 10, as amended - Green (73)
- 10 SCS HCS HB 11, as amended - Green (73)
- 11 SCS HCS HB 12 - Green (73)