

# JOURNAL OF THE HOUSE

Second Regular Session, 94th GENERAL ASSEMBLY

SIXTY-EIGHTH DAY, THURSDAY, MAY 8, 2008

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Msgr. Donald W. Lammers.

*(This prayer has been prayed all over our nation during the past week, beginning on the National Day of Prayer, of last Thursday.)*

## 2008 Prayer for Our Nation

Holy Father, in a world where so many are hungry,  
You have given us food in abundance;

In a world where so many are hurting,  
You offer to bind up our wounds;

In a world where so many are lonely,  
You offer friendship to every heart;

In a world longing for peace,  
You offer hope.

Yet, we are so stubborn and resistant.  
Have mercy upon us, Lord.

Our nation is at a crossroads this year;  
We look to You to be our strength and shield.

Please give us the guidance to elect one who will honor You  
And to respond to the wisdom from above  
So that our hope may be renewed and our blessings be treasured.

In God's Holy name.

*Composed by Dr. Ravi Zacharias*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Katie Misner, Andrew Chatmon and Matthew Chatmon.

The Journal of the sixty-seventh day was approved as printed.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2843 through House Resolution No. 2923

**COMMITTEE REPORT**

**Committee on Fiscal Review**, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS SB 768** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Representative Emery assumed the Chair.

**BILL IN CONFERENCE**

**CCR SCS HCS HB 2023**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2023** was adopted by the following vote:

AYES: 123

Aull	Avery	Baker 25	Bivins	Brandom
Bringer	Bruns	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Corcoran	Cox	Cunningham 86	Darrough
Day	Denison	Dixon	Donnelly	Dougherty
Dusenberg	Emery	Faith	Fallert	Fares
Fisher	Frame	Franz	Funderburk	Grill
Grisamore	Harris 23	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hughes	Icet	Johnson
Jones 89	Jones 117	Kingery	Komo	Kratky
Lampe	Lembke	LeVota	Liese	Loehner
Lowe 44	Marsh	May	McClanahan	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Page	Parkinson	Parson	Pearce
Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka
Salva	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Smith 14	Smith 150	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger
Thomson	Threlkeld	Tilley	Todd	Viebrock
Vogt	Wallace	Walsh	Walton	Wasson
Weter	Wildberger	Wilson 119	Wilson 130	Wood
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zimmerman	Zweifel	Mr Speaker		

NOES: 032

Baker 123	Bland	Brown 30	Brown 50	Burnett
Cunningham 145	Curls	Daus	Davis	Deeken
Dethrow	Ervin	Flook	George	Guest

Harris 110	Kelly	Kraus	Kuessner	Lipke
Low 39	McGhee	Pollock	Portwood	Sander
Silvey	Skaggs	Talboy	Villa	Wells
Whorton	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 006

El-Amin	Hubbard	Hunter	Kasten	Sater
Spreng				

VACANCIES: 002

On motion of Representative Icet, **CCS SCS HCS HB 2023** was read the third time and passed by the following vote:

AYES: 118

Aull	Baker 25	Bivins	Brandom	Bringer
Bruns	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Corcoran	Cox	Cunningham 86	Darrough	Day
Denison	Dixon	Donnelly	Dougherty	Dusenberg
Emery	Faith	Fallert	Fares	Fisher
Frame	Franz	Funderburk	Grill	Grisamore
Harris 23	Haywood	Hobbs	Hodges	Holsman
Hoskins	Hughes	Ice	Johnson	Jones 117
Kingery	Komo	Kratky	Lampe	Lembke
LeVota	Liese	Loehner	Marsh	May
McClanahan	Meadows	Meiners	Moore	Munzlinger
Muschany	Nance	Nasheed	Nieves	Nolte
Norr	Onder	Oxford	Page	Parkinson
Parson	Pearce	Pratt	Quinn 7	Quinn 9
Robb	Robinson	Roorda	Rucker	Ruestman
Ruzicka	Salva	Scavuzzo	Schaaf	Schad
Schamhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Smith 14	Smith 150
Stevenson	St. Onge	Storch	Stream	Sutherland
Swinger	Thomson	Threlkeld	Tilley	Todd
Viebrock	Vogt	Wallace	Walsh	Walton
Wasson	Weter	Wildberger	Wilson 130	Wood
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zimmerman	Zweifel	Mr Speaker		

NOES: 035

Avery	Baker 123	Bland	Brown 30	Brown 50
Burnett	Cunningham 145	Curls	Daus	Davis
Deeken	Dethrow	Ervin	Flook	George
Guest	Harris 110	Jones 89	Kelly	Kraus
Kuessner	Lipke	Low 39	McGhee	Pollock
Portwood	Sander	Silvey	Skaggs	Talboy
Villa	Wells	Whorton	Wilson 119	Witte

PRESENT: 000

ABSENT WITH LEAVE: 008

El-Amin	Hubbard	Hunter	Kasten	Lowe 44
Richard	Sater	Spren		

VACANCIES: 002

Representative Emery declared the bill passed.

### THIRD READING OF SENATE BILL

**HCS SB 1010**, relating to conveyances of state property, was taken up by Representative Stevenson.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 1010, Page 2, Section 2, Lines 1 to 45, by deleting all of said lines and inserting in lieu thereof the following:

**"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in a tract of land owned by the state in Camden County to the division of state parks of the department of natural resources. The property to be conveyed is more particularly described as follows:**

**A part of lands described by the Quit Claim Deed filed at Book 85, Page 195 in the Office of the Recorder of Deeds for Camden County, Missouri lying above the 662 ft. contour elevation of the Lake of the Ozarks in the South one half of Lot 2 of the northwest quarter of Section 19, Township 39 North, Range 15 West, Camden County, Missouri and more particularly described as follows:**

**Commencing at the southwest corner of the North one half of Lot 2 of the northwest quarter of said Section 19; thence along the North line of the South one half of Lot 2 of the northwest quarter of said Section 19, S 88° 57' 08" E - 931.4 ft., (Call by Deed filed at Book 89, Page 60 = East - 931.4 ft.), to its intersection with the 662 ft. contour elevation of the Lake of the Ozarks at the southwest corner of lands described by the General Warranty Deed filed at Book 89, Page 60 in the Camden County, Missouri Deed records and the POINT OF BEGINNING for the herein described tract of land; thence continue along the North line of the South one half of Lot 2 of the northwest quarter of said Section 19 and the South line of said tract of land described by Deed filed at Book 89, Page 60, S 88° 57' 08" E - 298.98 ft. to a point on the 662 ft. contour elevation of the Lake of the Ozarks; thence along said 662 ft. contour elevation of the Lake of the Ozarks on a traverse closure line approximating the meanders of said 662 ft. contour elevation of the Lake of the Ozarks on the following courses:**

**S 47° 14' 28" W - 32.85 ft., S 62° 46' 15" W - 54.6 ft., S 67° 09' 35" W - 67.89 ft., S 81° 46' 22" W - 55.76 ft., N 63° 34' 01" W - 41.21 ft., N 53° 48' 29" W - 48.77 ft., N 44° 06' 59" W - 35.58 ft. and N 27° 29' 28" W - 16.23 ft. to the point of beginning.**

**Containing in area 0.367 acres.**

**Subject to all rights of way, easements, restrictions, reservations and conditions of record and to all utilities as the same may now be located.**

Description as per Survey No. 2007-12-4120, GARY B. GEORGE SURVEYORS, INC., Lake Ozark, Mo.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale. Consideration for the conveyance shall be for the sum of one dollar.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill, Page 3, Section 3, Lines 1 to 61, by deleting all of said lines and inserting after all of said line the following:

"Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in a tract of land owned by the state in Camden County to the division of state parks of the department of natural resources. The property to be conveyed is more particularly described as follows:

A part of lands described by the Quit Claim Deed filed at Book 85, Page 195 in the Office of the Recorder of Deeds for Camden County, Missouri in the North one half of Lot 2 of the northwest quarter of Section 19, Township 39 North, Range 15 West, Camden County, Missouri and more particularly described as follows:

Commencing at the southwest corner of the North one half of Lot 2 of the northwest quarter of said Section 19; thence along the North line of the South one half of Lot 2 of the northwest quarter of said Section 19, S 88° 57' 08" E - 931.4 ft., (Call by Deed filed at Book 89, Page 60 = East - 931.4 ft.), to its intersection with the 662 ft. contour elevation of the Lake of the Ozarks at the southwest corner of lands described by the General Warranty Deed filed at Book 89, Page 60 in the Camden County, Missouri Deed Records; thence departing said North line of the South one half of Lot 2 of the northwest quarter of said Section 19 and said southwest corner of lands described by the General Warranty Deed filed at Book 89, Page 60 in the Camden County, Missouri Deed records at the 662 ft. contour elevation of the Lake of the Ozarks along and with the West boundary line of said lands described by the General Warranty Deed filed at Book 89, Page 60, N 01° 02' 55" E - 525.43 ft., (Call by Deed filed at Book 89, Page 60 = North - 508.1 ft.), to an iron pin set on the South right of way line of a 30 ft. wide private roadway, (Deed Call = South side of the present roadway across said premises), which monuments the northwest corner of said lands described by the General Warranty Deed filed at Book 89, Page 60 and the POINT OF BEGINNING for the herein described tract of land; thence continue along the northerly prolongation of the West boundary line of said lands described by the General Warranty Deed filed at Book 89, Page 60, N 01° 02' 55" E - 156.77 ft. to an iron pin set to monument its intersection with the South right of way line of Whispering Oaks Road, A.K.A. Lake Road 134-2, (50 ft. wide County Road); thence along and with the South right of way line of Whispering Oaks Road, (50 ft. wide County Road), on the following courses: N 67° 55' 02" E - 307.51 ft., N 73° 00' 17" E - 74.6 ft., N 76° 14' 29" E - 112.27 ft., N 80° 30' 32" E - 75.28 ft. and N 85° 06' 13" E - 147.56 ft. to an iron pin monumenting its intersection with the East line of the North one half of Lot 2 of the northwest quarter of Section 19; thence departing the South right of way line of Whispering Oaks Road, (50 ft. wide County Road), along and with the East line of the North one half of Lot 2 of the northwest quarter of said Section 19, S 01° 02' 55" W - 253.27 ft. to the northeast corner of the said lands described by the General Warranty Deed filed at Book 89, Page 60 in the Camden County, Missouri Deed Records on the South right of way line of a 30 ft. wide private roadway, (Deed Call = South side of the present roadway); thence departing the East line of the North one half of Lot 2 of the northwest quarter of said Section 19 along and with the South right of way line of the 30 ft. wide private roadway, (South side of the present roadway) and the North Boundary of the lands described by the General Warranty Deed filed at Book 89, Page 60 on the following monumented courses: N 74° 13' 52" W - 253.87 ft., S 63° 59' 40" W - 404.41 ft. and N 78° 29' 19" W - 78.64 ft. to the point of beginning.

Containing in area 3.015 acres.

Subject to all rights of way, easements, restrictions, reservations and conditions of record and to all utilities as the same may now be located.

Description as per Survey No. 2007-12-4120, GARY B. GEORGE SURVEYORS, INC., Lake Ozark, Mo.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale. Consideration for the conveyance shall be for the sum of one dollar.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. The department of natural resources shall convey the properties described in sections 2 and 3 of this act in return for the conveyance of like property to the department."; and

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

Representative Zimmerman offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 1010, Page 5, Section 4, Line 7, by inserting after the word "department." the following language:

"Such conveyance shall be determined through an open process of competitive bidding open to all persons seeking to exchange like property."

**House Amendment No. 1 to House Amendment No. 1** was withdrawn.

**House Amendment No. 1** was withdrawn.

Representative Stevenson moved that **HCS SB 1010** be adopted.

Which motion was defeated.

**SB 1010** was laid over.

### **THIRD READING OF HOUSE JOINT RESOLUTION**

**HCS HJR 48**, relating to voter identification, was taken up by Representative Cox.

Representatives Nieves assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 155	Cox	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Denison	Dethrow
Dixon	Dusenberg	Ervin	Faith	Fares
Fisher	Flook	Franz	Funderburk	Grisamore
Guest	Hobbs	Hunter	Ice	Jones 89
Jones 117	Kasten	Kelly	Kingery	Kraus
Lembke	Lipke	May	McGhee	Moore
Munzlinger	Muschany	Nance	Nieves	Nolte
Onder	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Sander	Schaaf	Schad
Scharnhorst	Schlottach	Schneider	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	St. Onge
Stream	Sutherland	Thomson	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 159	Yates
Mr Speaker				

NOES: 069

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	El-Amin
Fallert	Frame	George	Grill	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hoskins
Hubbard	Hughes	Johnson	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	McClanahan	Meadows	Meiners	Nasheed
Norr	Oxford	Page	Quinn 9	Robinson
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper 120	Emery	Loehner	Marsh	Sater
Spreng				

VACANCIES: 002

On motion of Representative Cox, **HCS HJR 48** was read the third time and passed by the following vote:

AYES: 088

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Hobbs	Hunter	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Kraus	Lembke	Lipke	Marsh	May
McGhee	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

NOES: 069

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	Fallert
Frame	George	Grill	Guest	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hoskins
Hubbard	Hughes	Johnson	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	McClanahan	Meadows	Meiners	Nasheed
Norr	Oxford	Page	Quinn 9	Robinson
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 004

El-Amin	Loehner	Sater	Spreng
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VACANCIES: 002

Representative Nieves declared the bill passed.

Speaker Pro Tem Pratt assumed the Chair.

**THIRD READING OF SENATE BILLS**

**HCS SCS SB 901, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, and House Amendment No. 1, pending**, relating to workers' compensation, was taken up by Representative Hunter.

Representative Scharnhorst assumed the Chair.

On motion of Representative Fisher, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 084

Baker 123	Bivins	Brandom	Bruns	Cooper 120
Cooper 155	Cox	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Funderburk	Grisamore
Guest	Hobbs	Hunter	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Lembke
Lochner	Marsh	May	Moore	Munzlinger
Muschany	Nance	Nieves	Nolte	Onder
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Richard	Robb	Ruestman
Ruzicka	Sander	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	St. Onge	Stream	Sutherland
Thomson	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 159	Yates	Mr Speaker	

NOES: 069

Aull	Avery	Baker 25	Bland	Bringer
Brown 30	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
Dougherty	El-Amin	Fallert	Frame	George
Grill	Harris 23	Harris 110	Haywood	Hodges
Holsman	Hoskins	Hubbard	Hughes	Johnson
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low 39	Lowe 44	McClanahan	Meadows
Meiners	Nasheed	Norr	Oxford	Page
Quinn 9	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Skaggs	Storch
Swinger	Talboy	Todd	Villa	Vogt
Walsh	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 008

Kraus	Lipke	McGhee	Robinson	Sater
Schneider	Spreng	Walton		

VACANCIES: 002

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Smith (150), **House Substitute Amendment No. 1 for House Amendment No. 1, as amended**, was adopted.

Representative Jones (89) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 901, Section 287.715, Page 19, Line 75, by inserting immediately after said line the following:

"290.595. 1. As used in this section, the term "proper authorities" shall mean public authorities or authorities of the employer, but shall not include any individual who engaged in the reported illegal conduct.

2. The at-will employment doctrine shall not control when the elements of a whistle-blower cause of action are established. A whistle-blower cause of action for wrongful discharge in violation of public policy is established if an employee proves by a preponderance of the evidence that:

- (1) The employee reported to a proper authority conduct that the employee had a good faith and reasonable belief violated a statute, constitutional provision, or regulation and a clearly mandated public policy;
- (2) The employee was discharged; and
- (3) The employee's report to a proper authority was the exclusive factor in the discharge.

3. The at-will employment doctrine shall not control when the elements of a refusal to commit an illegal act cause of action are established. A refusal to commit an illegal act cause of action for wrongful discharge in violation of public policy is established if an employee proves by a preponderance of the evidence that:

- (1) The employer directed the employee to perform conduct that the employee had a good faith and reasonable belief would, if completed, violate a statute, constitutional provision, or regulation and a clearly mandated public policy;
- (2) The employee specifically refused to perform the unlawful act;
- (3) The employee was discharged; and
- (4) The employee's refusal to perform the unlawful act was the exclusive factor in the discharge."; and

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

Representative Skaggs raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not timely.

On motion of Representative Jones (89), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 901, Section 287.715, Page 19, Line 75, by inserting immediately after said line the following:

**"Section 1. Beginning January 1, 2009, and notwithstanding any other provision of law, no attorney shall make any contribution to any committee, as that term is defined under section 130.011, during a single year if such attorney has received any income as a result of his or her legal services from the payment of funds from the second injury fund established pursuant to section 287.220, RSMo, during the same year.**

**2. No family member related to an attorney within the third degree of consanguity or affinity shall make a donation to a committee if the attorney to whom they are related is prohibited from making a contribution to the committee pursuant to this section.**

**3. No law firm employing an attorney in any capacity whatsoever shall make a contribution to a committee if the attorney is prohibited from making a contribution to the committee pursuant to this section.";** and

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

Representative Fisher offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1  
to  
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 901, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

**"Section 1. Beginning August 28, 2008, and notwithstanding any other provision of law, no";** and

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

On motion of Representative Fisher, **House Amendment No. 1 to House Amendment No. 3** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Guest	Hobbs	Hunter
Icet	Jones 117	Kasten	Kingery	Kraus
Lembke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Nance	Nieves
Nolte	Onder	Parkinson	Parson	Pearce
Pratt	Quinn 7	Richard	Robb	Ruestman
Ruzicka	Sander	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	St. Onge	Stream
Sutherland	Thomson	Threlkeld	Tilley	Viebrock

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Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 159	Yates	Mr Speaker

NOES: 062

Aull	Baker 25	Bringer	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Fallert	Frame	George	Grill
Harris 23	Harris 110	Haywood	Hodges	Holsman
Hoskins	Hubbard	Hughes	Johnson	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	McClanahan	Meadows	Meiners
Nasheed	Norr	Oxford	Page	Quinn 9
Roorda	Salva	Scavuzzo	Schieffer	Schoemehl
Shively	Skaggs	Storch	Swinger	Talboy
Todd	Villa	Vogt	Walsh	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zimmerman	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 014

Bland	Brown 50	Dougherty	El-Amin	Jones 89
Kelly	Lipke	Pollock	Portwood	Robinson
Rucker	Sater	Spreng	Walton	

VACANCIES: 002

On motion of Representative Stevenson, **House Amendment No. 3, as amended**, was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Guest	Hobbs	Hunter
Icet	Jones 89	Jones 117	Kasten	Kingery
Kraus	Lembke	Loehner	Marsh	May
McGhee	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parkinson	Parson
Pearce	Pollock	Pratt	Quinn 7	Richard
Robb	Ruestman	Ruzicka	Sander	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Schoeller
Self	Silvey	Smith 14	Stevenson	St. Onge
Stream	Sutherland	Thomson	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter

Wilson 119 Mr Speaker	Wilson 130	Wood	Wright 159	Yates
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NOES: 062

Aull	Baker 25	Bringer	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Donnelly	Fallert	Frame	George
Grill	Harris 23	Harris 110	Hodges	Holsman
Hoskins	Hubbard	Hughes	Johnson	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	McClanahan	Meadows	Meiners
Nasheed	Norr	Oxford	Page	Quinn 9
Roorda	Salva	Scavuzzo	Schieffer	Schoemehl
Shively	Skaggs	Storch	Swinger	Talboy
Todd	Villa	Vogt	Walsh	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zimmerman	Zweifel			

PRESENT: 001

Bland

ABSENT WITH LEAVE: 012

Dougherty	El-Amin	Haywood	Kelly	Lipke
Portwood	Robinson	Rucker	Sater	Smith 150
Spreng	Walton			

VACANCIES: 002

Representative Hunter moved that **HCS SCS SB 901, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 065

Baker 123	Bivins	Brandom	Cooper 120	Cunningham 145
Cunningham 86	Davis	Deeken	Denison	Dethrow
Dixon	Emery	Ervin	Faith	Fares
Fisher	Franz	Hobbs	Hunter	Icet
Jones 89	Jones 117	Kasten	Kingery	Loehner
Marsh	May	Moore	Munzlinger	Muschany
Nance	Nieves	Parkinson	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Richard
Robb	Ruestman	Ruzicka	Sander	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Smith 150	Stevenson	Stream	Thomson	Threlkeld
Viebrock	Wallace	Wasson	Weter	Wilson 119
Wilson 130	Wood	Wright 159	Yates	Mr Speaker

NOES: 087

Aull	Baker 25	Bland	Bringer	Brown 30
Brown 50	Bruns	Burnett	Casey	Chappelle-Nadal
Cooper 155	Corcoran	Cox	Curls	Darrough
Daus	Day	Donnelly	Dougherty	Dusenberg

Fallert	Flook	Frame	Funderburk	George
Grill	Grisamore	Guest	Harris 23	Harris 110
Haywood	Hodges	Holsman	Hoskins	Hubbard
Hughes	Johnson	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Low 39	Lowe 44	McClanahan	Meadows	Meiners
Nasheed	Nolte	Norr	Onder	Oxford
Page	Quinn 9	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schneider	Schoemehl	Shively
Silvey	Skaggs	Smith 14	St. Onge	Storch
Sutherland	Swinger	Talboy	Tilley	Todd
Villa	Vogt	Walsh	Wells	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zimmerman	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	El-Amin	Kelly	Lipke	McGhee
Robinson	Sater	Spreng	Walton	

VACANCIES: 002

**SCS SB 901** was laid over.

**HCS SB 1288**, relating to ethics, was taken up by Representative Cooper (120).

Representative Cooper (120) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 1288, Section 130.032, Pages 5 through 7, Lines 1 through 73, by removing all of said section from the bill; and

Further amend said bill, Section 130.032, Page 7, Line 73, by inserting after all of said section the following:

**"Section 1. Any committee which is unable to return a nonallowable contribution to a contributor because the contributor:**

- (1) Cannot be located following a reasonable attempt to locate the contributor;**
- (2) Returns the nonallowable contribution or otherwise refuses acceptance of the nonallowable contribution; or**
- (3) Is a committee which has terminated;**

**may transfer the nonallowable contribution to the director of revenue for deposit to the general revenue of the state, or may make an unconditional gift which is fully vested to any charitable, fraternal, or civic organization or association formed to provide for some good in the order of benevolence as set forth in subdivision (7) of subsection 2 of section 130.034."**; and

Further amend said bill, Section B, by removing all of said section from the bill; and

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

On motion of Representative Cooper (120), **House Amendment No. 1** was adopted.

Representative Nieves resumed the Chair.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 1288, Section 105.473, Page 5, by inserting after all of said section and line the following:

"130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) "Closing date", the date through which a statement or report is required to be complete;

(7) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the [primary or incidental] purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) "Committee", does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

[c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;]

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) "Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(11) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) "County", any one of the several counties of this state or the city of St. Louis;

(14) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(17) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

(20) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(21) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(22) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) "Political party committee", a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

(26) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) "Regular session", includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (3) of this section."; and

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

Representative Muschany offered **House Amendment No. 1 to House Amendment No. 2**.

**House Amendment No. 1 to House Amendment No. 2** was withdrawn.

**HCS SB 1288, as amended, with House Amendment No. 2, pending**, was laid over.

Speaker Jetton resumed the Chair.

### 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 adopted the Conference Committee Report on **SCS HCS HB 2023**, and has taken up and passed **CCS SCS HCS HB 2023**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 2224** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SCS HB 2224**: Senators Griesheimer, Mayer, Crowell, Shoemyer and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the conference committee on **HCS SB 958** has been dissolved and the Senate has adopted **HCS SB 958** and taken up and passed **HCS SB 958**.

### APPOINTMENT OF CONFERENCE COMMITTEES

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

**SS SCS HB 2224**: Representatives Schneider, Jones (117), Parson, Roorda and Hubbard

**SB 1068**: Representatives Sater, Cooper (155), Schaaf, Curls and Swinger

**HCS SB 1074**: Representatives Smith (14), Schoeller, Muschany, Burnett and Vogt

Representative Nieves resumed the Chair.

### THIRD READING OF SENATE BILL

**HCS SB 1288, as amended, with House Amendment No. 2, pending**, relating to ethics, was again taken up by Representative Cooper (120).

Representative Pratt offered **House Amendment No. 2 to House Amendment No. 2**.

*House Amendment No. 2*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 1288, Page 10, Line 9, by inserting after all of said line the following:

'and further amend said bill, Section 130.032, Page 7, Line 73, by inserting after all of said section the following:

**"Section 1. Notwithstanding the provisions of section 105.955, RSMo, beginning August 28, 2008, there shall be no term limits on the executive director of the Missouri Ethics Commission."** ; and

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

Representative Bringer raised points of order that **House Amendment No. 2 to House Amendment No. 2** amends previously amended material and goes beyond the scope of the amendment.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order not well taken.

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

Representative Muschany offered **House Amendment No. 3 to House Amendment No. 2**.

*House Amendment No. 3*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 1288, Page 10, Line 9, by inserting after said line the following:

Further amend said bill by inserting in the proper place the following:

Further amend said bill, Section 105.459, Page 2, Line 38, by deleting the words, "**ethics commission**" and inserting in lieu thereof the words, "**commission on political finance**"; and

Further amend said bill, Page 7, Section 130.032, Line 73, by inserting after all of said line the following:

**"Section 1. Beginning August 28, 2008 the Missouri ethics commission shall be known as Missouri commission on political finance. The revisor of statutes shall change all occurrences in the statutes to reflect the name change."**; and; and

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

Representative Bringer raised a point of order that **House Amendment No. 3 to House Amendment No. 2** goes beyond the scope of the amendment.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Muschany, **House Amendment No. 3 to House Amendment No. 2** was adopted.

On motion of Representative Talboy, **House Amendment No. 2, as amended**, was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 1288, Section 130.032, Page 7, Line 73, by inserting after all of said section and line the following:

**"Section 1. The Missouri Ethics Commission shall, in those instances that reasonably require the assistance of outside legal services, employ the services of an independent attorney who is not a member of the Office of the Attorney General. This requirement shall apply to all cases involving the implementation and litigation of laws or rules under the jurisdiction of the commission."**; and

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

On motion of Representative Burnett, **House Amendment No. 3** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Davis	Day	Deeken	Denison	Dethrow
Dixon	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Funderburk
Grisamore	Guest	Hobbs	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Kraus
Lembke	Loehner	Marsh	May	Moore
Munzlinger	Muschany	Nance	Nieves	Nolte
Onder	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	St. Onge	Stream
Sutherland	Thomson	Threlkeld	Tilley	Viebrock

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Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 159	Yates	Mr Speaker

NOES: 059

Aull	Baker 25	Bland	Bringer	Burnett
Casey	Chappelle-Nadal	Curls	Darrough	Daus
Donnelly	Fallert	Frame	Grill	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hoskins
Hubbard	Hughes	Johnson	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	McClanahan	Meadows	Meiners	Norr
Oxford	Page	Quinn 9	Roorda	Salva
Scavuzzo	Schieffer	Schoemehl	Shively	Skaggs
Storch	Swinger	Talboy	Todd	Villa
Vogt	Walsh	Whorton	Wildberger	Witte
Wright-Jones	Yaeger	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 017

Brown 50	Corcoran	Cunningham 86	Dougherty	El-Amin
George	Hunter	Lipke	McGhee	Nasheed
Robinson	Rucker	Sander	Sater	Spreng
Walton	Young			

VACANCIES: 002

On motion of Representative Cooper (120), **HCS SB 1288, as amended**, was adopted.

On motion of Representative Cooper (120), **HCS SB 1288, as amended**, was read the third time and passed by the following vote:

AYES: 091

Avery	Baker 123	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cox	Cunningham 145	Curls
Davis	Day	Deeken	Denison	Dethrow
Dixon	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Frame	Franz
Funderburk	Guest	Haywood	Hobbs	Hoskins
Hubbard	Ice	Jones 89	Jones 117	Kasten
Kelly	Kingery	Komo	Lembke	Low 39
Marsh	May	Meiners	Moore	Munzlinger
Muschany	Nance	Nasheed	Nieves	Nolte
Norr	Onder	Parkinson	Parson	Pearce
Portwood	Pratt	Quinn 7	Robb	Ruestman
Ruzicka	Salva	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Self
Shively	Silvey	Skaggs	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Swinger	Talboy
Thomson	Threlkeld	Tilley	Viebrock	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright 159

Mr Speaker

NOES: 054

Aull	Baker 25	Bland	Bringer	Brown 30
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Darrough	Daus	Donnelly	Fallert	George
Grill	Grisamore	Harris 23	Harris 110	Hodges
Holsman	Hughes	Johnson	Kratky	Kraus
Kuessner	Lampe	LeVota	Liese	Loehner
Lowe 44	McClanahan	Meadows	Page	Pollock
Quinn 9	Roorda	Scavuzzo	Schoemehl	Storch
Todd	Villa	Vogt	Wallace	Walsh
Wasson	Whorton	Wildberger	Wood	Wright-Jones
Yaeger	Yates	Zimmerman	Zweifel	

PRESENT: 004

Oxford	Richard	Rucker	Smith 14
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ABSENT WITH LEAVE: 012

Cunningham 86	Dougherty	El-Amin	Hunter	Lipke
McGhee	Robinson	Sander	Sater	Spreng
Walton	Young			

VACANCIES: 002

Representative Nieves declared the bill passed.

### PERFECTION OF HOUSE BILL

**HCS HBs 1736 & 2320**, relating to illegal aliens, was taken up by Representative Nolte.

Speaker Pro Tem Pratt resumed the Chair.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1736 & 2320, Section 208.009, Page 2, Line 3, by deleting "**1621(c)**" and inserting in lieu thereof "**1621(c)(1)(B)**"; and

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

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

Representative Scharnhorst resumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Davis	Day	Deeken	Denison	Dethrow
Dixon	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Funderburk
Grisamore	Guest	Hobbs	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Kraus
Lembke	Loehner	May	Moore	Munzlinger
Muschany	Nance	Nieves	Nolte	Onder
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Richard	Robb	Ruestman
Ruzicka	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	St. Onge	Stream	Sutherland
Thomson	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 159	Yates	Mr Speaker	

NOES: 059

Aull	Baker 25	Bland	Bringer	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Donnelly	Fallert	Frame	George
Grill	Harris 110	Haywood	Hodges	Holsman
Hoskins	Hubbard	Hughes	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	McClanahan	Meadows	Nasheed	Norr
Oxford	Page	Quinn 9	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Shively
Skaggs	Storch	Swinger	Talboy	Todd
Villa	Vogt	Walsh	Whorton	Wildberger
Witte	Yaeger	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 018

Brown 50	Cunningham 86	Dougherty	El-Amin	Harris 23
Hunter	Johnson	Lipke	Marsh	McGhee
Meiners	Robinson	Sander	Sater	Spreng
Walton	Wright-Jones	Young		

VACANCIES: 002

On motion of Representative Nolte, **HCS HBs 1736 & 2320, as amended**, was adopted by the following vote:

AYES: 129

Aull	Avery	Baker 25	Baker 123	Bivins
Brandom	Bringer	Brown 30	Bruns	Casey
Cooper 120	Cooper 155	Corcoran	Cox	Cunningham 145
Darrough	Davis	Day	Deeken	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	Funderburk
George	Grill	Grisamore	Harris 23	Harris 110
Hobbs	Hodges	Holsman	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Loehner	May	McClanahan
Meadows	Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr
Onder	Page	Parkinson	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Quinn 9
Richard	Robb	Rucker	Ruestman	Ruzicka
Salva	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	St. Onge	Storch	Stream
Sutherland	Swinger	Thomson	Threlkeld	Tilley
Todd	Viebrock	Wallace	Walsh	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 159	Yaeger
Yates	Zimmerman	Zweifel	Mr Speaker	

NOES: 014

Bland	Burnett	Chappelle-Nadal	Daus	Haywood
Hoskins	Hubbard	Hughes	Low 39	Lowe 44
Oxford	Talboy	Villa	Vogt	

PRESENT: 000

ABSENT WITH LEAVE: 018

Brown 50	Cunningham 86	Curls	El-Amin	Guest
Hunter	Johnson	Lipke	Marsh	McGhee
Robinson	Roorda	Sander	Sater	Spreng
Walton	Wright-Jones	Young		

VACANCIES: 002

On motion of Representative Nolte, **HCS HBs 1736 & 2320, as amended**, was ordered perfected and printed by the following vote:

AYES: 126

Aull	Avery	Baker 25	Baker 123	Bivins
Brandom	Bringer	Brown 30	Bruns	Casey
Cooper 120	Cooper 155	Corcoran	Cox	Cunningham 145
Darrough	Davis	Deeken	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery
Ervin	Faith	Fallert	Fares	Fisher
Flook	Frame	Franz	Funderburk	George
Grill	Grisamore	Harris 23	Harris 110	Hobbs
Hodges	Holsman	Ice	Jones 89	Jones 117
Kasten	Kelly	Kingery	Komo	Kratky
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Loehner	May	McClanahan	Meadows
Meiners	Munzlinger	Muschany	Nance	Nasheed
Nieves	Nolte	Norr	Onder	Page
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Rucker
Ruestman	Ruzicka	Salva	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock	Wallace
Walsh	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Yaeger	Yates	Zimmerman	Zweifel
Mr Speaker				

NOES: 015

Bland	Burnett	Chappelle-Nadal	Curls	Daus
Haywood	Hoskins	Hubbard	Hughes	Low 39
Lowe 44	Oxford	Talboy	Villa	Vogt

PRESENT: 000

ABSENT WITH LEAVE: 020

Brown 50	Cunningham 86	Day	El-Amin	Guest
Hunter	Johnson	Lipke	Marsh	McGhee
Moore	Robb	Robinson	Roorda	Sander
Sater	Spreng	Walton	Wright-Jones	Young

VACANCIES: 002

**THIRD READING OF SENATE BILLS**

**HCS SS SCS SBs 818 & 795**, relating to harassment and stalking, was taken up by Representative Smith (14).

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

Representative Funderburk raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

**HCS SS SCS SBs 818 & 795** was laid over.

**SS SCS SB 768**, relating to autism spectrum disorders, was taken up by Representative Scharnhorst.

Speaker Jetton resumed the Chair.

On motion of Representative Scharnhorst, **SS SCS SB 768** was truly agreed to and finally passed by the following vote:

AYES: 137

Aull	Avery	Baker 25	Baker 123	Bivins
Bland	Brandom	Bringer	Brown 30	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 120	Cox
Cunningham 145	Curls	Darrough	Daus	Davis
Deeken	Denison	Dixon	Donnelly	Dougherty
Dusenberg	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz
Funderburk	George	Grill	Grisamore	Guest
Harris 23	Harris 110	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hughes	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Loehner	Low 39
Lowe 44	May	McClanahan	Meadows	Meiners
Munzlinger	Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Oxford	Page
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Richard	Roorda	Rucker
Ruestman	Ruzicka	Salva	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa
Wallace	Walsh	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Yaeger	Yates	Zimmerman
Zweifel	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 024

Brown 50	Cooper 155	Corcoran	Cunningham 86	Day
Dethrow	El-Amin	Hunter	Johnson	Lipke
Marsh	McGhee	Moore	Quinn 9	Robb
Robinson	Sander	Sater	Spreng	Talboy
Vogt	Walton	Wright-Jones	Young	

VACANCIES: 002

Speaker Jetton declared the bill passed.

### BILL IN CONFERENCE

**CCR HCS SCS SB 724, as amended**, relating to advanced practice registered nurses, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **CCR HCS SCS SB 724, as amended**, was adopted by the following vote:

AYES: 122

Aull	Avery	Baker 25	Baker 123	Bivins
Bland	Brandom	Bringer	Brown 30	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 155	Cox
Cunningham 145	Curls	Darrough	Daus	Deeken
Denison	Dethrow	Dixon	Donnelly	Dougherty
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	Funderburk
George	Grill	Grisamore	Harris 110	Haywood
Hobbs	Hodges	Hoskins	Hubbard	Icet
Jones 89	Jones 117	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Loehner	Lowe 44	May	McClanahan
Meadows	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Roorda	Rucker	Ruestman	Ruzicka
Salva	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	St. Onge	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Viebrock
Villa	Wallace	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Yaeger	Yates	Zimmerman
Zweifel	Mr Speaker			

NOES: 013

Davis	Dusenberg	Guest	Harris 23	Holsman
Hughes	Kasten	Liese	Meiners	Muschany
Onder	Page	Schaaf		

PRESENT: 001

Threlkeld

ABSENT WITH LEAVE: 025

Brown 50	Cooper 120	Corcoran	Cunningham 86	Day
El-Amin	Hunter	Johnson	Lipke	Low 39
Marsh	McGhee	Moore	Quinn 9	Robb
Robinson	Sander	Sater	Spreng	Talboy
Vogt	Walsh	Walton	Wright-Jones	Young

VACANCIES: 002

On motion of Representative Jones (117), **CCS HCS SCS SB 724** was truly agreed to and finally passed by the following vote:

AYES: 118

Aull	Avery	Baker 25	Baker 123	Bivins
Bland	Brandom	Bringer	Brown 30	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Cox	Cunningham 145	Curls	Darrough	Daus
Deeken	Denison	Dethrow	Dixon	Donnelly
Dougherty	Emery	Ervin	Faith	Fallert
Fares	Fisher	Frame	Franz	Funderburk
George	Grill	Grisamore	Harris 110	Hobbs
Hodges	Hubbard	Ice	Jones 89	Jones 117
Kingery	Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	LeVota	Loehner	Low 39
May	McClanahan	Meadows	Munzlinger	Nance
Nasheed	Nolte	Norr	Oxford	Parkinson
Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Richard	Roorda	Rucker	Ruestman
Ruzicka	Salva	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Skaggs	Smith 14	Smith 150
Stevenson	St. Onge	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Viebrock
Villa	Wallace	Walsh	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Yaeger	Yates
Zimmerman	Zweifel	Mr Speaker		

NOES: 013

Davis	Dusenberg	Guest	Harris 23	Holsman
Kasten	Liese	Meiners	Muschany	Onder
Page	Schaaf	Talboy		

PRESENT: 001

Threlkeld

ABSENT WITH LEAVE: 029

Brown 50	Corcoran	Cunningham 86	Day	El-Amin
Flook	Haywood	Hoskins	Hughes	Hunter
Johnson	Kelly	Lipke	Lowe 44	Marsh
McGhee	Moore	Nieves	Quinn 9	Robb
Robinson	Sander	Sater	Silvey	Spreng
Vogt	Walton	Wright-Jones	Young	

VACANCIES: 002

Speaker Jetton declared the bill passed.

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

**SCS SB 1139**, relating to the Uniform Anatomical Gift Act, was taken up by Representative Stevenson.

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

Representative Stevenson raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Cooper (120) raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Stevenson 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 Smith (150) assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Avery	Bivins	Brandom	Brown 30	Bruns
Cooper 120	Cooper 155	Cox	Cunningham 145	Davis
Deeken	Denison	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Funderburk	Grisamore
Guest	Hobbs	Hoskins	Hubbard	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Kraus	Lembke	Loehner	May	Munzlinger
Muschany	Nance	Nieves	Nolte	Onder
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Richard	Ruestman	Ruzicka
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

NOES: 055

Aull	Baker 25	Bland	Bringer	Burnett
Casey	Chappelle-Nadal	Curls	Darrough	Daus
Donnelly	Fallert	Frame	George	Grill
Harris 23	Harris 110	Haywood	Hodges	Holsman
Hughes	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	McClanahan	Meadows
Meiners	Nasheed	Norr	Oxford	Page
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Walsh	Whorton
Wildberger	Witte	Yaeger	Zimmerman	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 023

Baker 123	Brown 50	Corcoran	Cunningham 86	Day
El-Amin	Hunter	Johnson	Lipke	Lowe 44
Marsh	McGhee	Moore	Quinn 9	Robb
Robinson	Sander	Sater	Spreng	Vogt
Walton	Wright-Jones	Young		

VACANCIES: 002

On motion of Representative Stevenson, **SCS SB 1139** was truly agreed to and finally passed by the following vote:

AYES: 113

Aull	Avery	Bivins	Bland	Brown 30
Bruns	Burnett	Chappelle-Nadal	Cooper 120	Cooper 155
Cox	Cunningham 145	Curls	Darrough	Davis
Deeken	Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Franz	Funderburk	Grill
Grisamore	Guest	Harris 23	Haywood	Hobbs
Hodges	Holsman	Hoskins	Hubbard	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Loehner	May	McClanahan
Meiners	Munzlinger	Nance	Nasheed	Nieves
Nolte	Onder	Page	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Roorda	Rucker	Ruestman	Ruzicka
Salva	Scavuzzo	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	St. Onge	Storch
Stream	Sutherland	Talboy	Thomson	Threlkeld
Tilley	Viebrock	Villa	Wallace	Walsh
Wasson	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Wood	Wright 159	Yaeger	Yates
Zimmerman	Zweifel	Mr Speaker		

NOES: 025

Baker 25	Brandom	Bringer	Casey	Daus
Fallert	Flook	Frame	George	Harris 110
Hughes	Komo	Low 39	Meadows	Muschany
Norr	Oxford	Schieffer	Schoemehl	Shively
Skaggs	Swinger	Todd	Wells	Witte

PRESENT: 000

ABSENT WITH LEAVE: 023

Baker 123	Brown 50	Corcoran	Cunningham 86	Day
El-Amin	Hunter	Johnson	Lipke	Lowe 44
Marsh	McGhee	Moore	Quinn 9	Robb
Robinson	Sander	Sater	Spreng	Vogt
Walton	Wright-Jones	Young		

VACANCIES: 002

Representative Smith (150) declared the bill passed.

## COMMITTEE REPORTS

**Special Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Special Committee on Energy and Environment, to which was referred **SS SCS SB 738**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Special Committee on Utilities, to which was referred **SCS SBs 1181, 1100, 1262 & 1263**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1539**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2210**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2556**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SJR 45**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 953**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SB 976**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1040**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1107**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 1172**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## 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 HCS HB 2279**, entitled:

An act to repeal sections 393.275, 407.300, and 537.340, RSMo, and to enact in lieu thereof ten new sections relating to utilities, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6 and Senate Amendment No. 7.

### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 17, by inserting at the end of said line the following:

**"Expenses incurred by an electrical corporation in association with the payment of any such damages shall not be recoverable, in any form at any time, from the ratepayers of any such electrical corporation."**

### *Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 2, Section 386.572, Line 48, by inserting after all of said line the following:

**"393.108. For purposes of this section, the hot weather rule shall mean the period of time from June first to September thirtieth, in which the discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of cooling or to operate the only cooling equipment at the residence, is prohibited in the following situations:**

**(1) On any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. for the following twenty-four hours predicts that the temperature shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit;**

**(2) On any day when utility personnel are not available to reconnect utility service during the immediately succeeding day or days and the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. predicts that the temperature during the period of unavailability shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit; and**

**(3) In any other applicable situations provided for in rules established and amended by the public service commission."; and**

Further amend the title and enacting clause accordingly.

### *Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 9, Section 570.056, Line 4, by inserting after all of said line the following:

**"Section 1. For any electric plant unlawfully constructed after August 28, 2008, in any suit or claim brought by any landowner or other legal entity for monetary damages allegedly caused by the operation or existence of such electric plant, the measure of damages shall be treble the fair market value of the plaintiff's real estate as determined by a judge or jury, plus court costs and reasonable attorney fees."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 2, Section 386.572, Line 48, by inserting after all of said line the following:

"393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void.

**4. Prior to the application for permission and approval that is required under subsection 1 of this section, all corporations shall first confer with the city or county government where the proposed certificate is located, and if said city or county has zoning regulations, the corporation shall procure a certificate from said city or county government that shows compliance with the existing zoning requirements of said city or county and this certificate shall be presented to the commission. If there is no zoning in place for the city or county, then no certificate is required. If the certificate from the city or county is not presented to the commission prior to the beginning of construction, the commission shall not grant the permission and approval under this section."**; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 4, Section 393.275, Line 28, by striking the following: "and such purchased gas" and inserting in lieu thereof a period "."; and

Further amend Lines 29-50, by striking all of said lines and inserting in lieu thereof the following:

**"3. The commission shall study the benefits and detriments of including the gas cost portion of net write-offs in purchased gas adjustment rates and submit a report of its findings to the general assembly by December 31, 2008."**

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 President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SB 1068 with House Amendment No. 1 and House Amendment No. 3**: Senators Mayer, Engler, Lager, Shoemyer and Kennedy.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 1074, as amended**: Senators Dempsey, Rupp, Ridgeway, Shoemyer and Coleman.

Speaker Jetton resumed the Chair.

Representative Smith (150) resumed the Chair.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Friday, May 9, 2008.

### **COMMITTEE MEETINGS**

#### **CONFERENCE COMMITTEE NOTICE**

Monday, May 12, 2008, 6:00 p.m. Room 414.

Executive session may follow.

Public hearing to be held on: SS SCS HB 2224

#### **FISCAL REVIEW**

Monday, May 12, 2008, 1:00 p.m. Hearing Room 1.

Any House or Senate bill presented to this committee.

#### **FISCAL REVIEW**

Tuesday, May 13, 2008, 8:30 a.m. Hearing Room 1.

Any bills presented to this committee.

#### **FISCAL REVIEW**

Wednesday, May 14, 2008, 8:30 a.m. Hearing Room 1.

Any bills presented to this committee.

#### **FISCAL REVIEW**

Thursday, May 15, 2008, 8:30 a.m. Hearing Room 1.

Any bills presented to this committee.

#### **FISCAL REVIEW**

Friday, May 16, 2008, 8:30 a.m. Hearing Room 1.

Any bills presented to this committee.

#### **JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Monday, May 12, 2008, 12:00 p.m. Hearing Room 6.

Second Injury Fund reports continuation.

Testimony from Attorney General's Office.

Some portions of the meeting may be closed pursuant to Section 610.021. AMENDED.

#### **SPECIAL COMMITTEE ON HEALTHCARE TRANSFORMATION**

Monday, May 12, 2008, 1:00 p.m. Hearing Room 4.

Executive session.

**HOUSE CALENDAR**

SIXTY-NINTH DAY, FRIDAY, MAY 9, 2008

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 64 - Chappelle-Nadal

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1836 - Flook
- 2 HCS#2 HB 1886 - Scharnhorst
- 3 HCS HB 1802 - Wilson (130)
- 4 HB 2144 - Whorton
- 5 HB 1535 - Deeken
- 6 HB 1517 - Cox
- 7 HCS HB 2112 - Emery
- 8 HB 1372 - McGhee
- 9 HCS HB 1590 - Munzlinger
- 10 HCS HB 1504 - Walton
- 11 HCS HB 2156 - Grill
- 12 HCS HB 2159 - Grill
- 13 HB 1562 - LeVota
- 14 HCS HB 2239 - Stevenson
- 15 HCS HB 1438 - Kelly
- 16 HCS HB 1990, as amended, HA 2, pending - Wilson (130)
- 17 HCS HB 2110 - Dixon
- 18 HCS HB 1723 - Franz
- 19 HCS HB 1745 - Robb
- 20 HB 1764 - Parson
- 21 HB 1871 - Deeken
- 22 HB 1934 - May
- 23 HCS HB 1974 - Schlottach
- 24 HB 2207 - Hoskins
- 25 HB 2514 - Weter
- 26 HB 1425 - Munzlinger
- 27 HCS HB 1599 - Sater
- 28 HB 1673 - Parson
- 29 HCS HB 1839 - Franz
- 30 HCS HB 1857 - Schaaf
- 31 HB 1954 - Dixon
- 32 HB 2129 - Baker (123)
- 33 HCS HBs 2189, 2208, 2178 & 2333 - Smith (14)
- 34 HCS HB 2282 - Ervin
- 35 HCS HB 2330 - Brandom
- 36 HB 2343 - Wilson (130)
- 37 HB 2365 - Pratt

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- 38 HB 2429 - Hunter
- 39 HB 2458 - Jones (89)
- 40 HCS HB 2508 - Ruestman
- 41 HCS HB 1794 - Deeken
- 42 HCS HB 2354 - Portwood
- 43 HB 2404 - Hubbard
- 44 HCS HB 2494 - Pollock
- 45 HCS HB 1468 - Pratt
- 46 HCS HBs 1809 & 2173 - Ruzicka
- 47 HCS HB 2420 - Baker (123)
- 48 HCS HB 2421 - Meiners
- 49 HB 2555 - Pearce
- 50 HB 1484 - Muschany
- 51 HCS HB 1880 - Schaaf
- 52 HCS HB 1884 - Quinn (7)
- 53 HCS HBs 2281, 2489 & 2537 - Cunningham (86)
- 54 HCS HB 2460 - Emery

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1929 - Cooper (120)
- 2 HB 1957 - Hughes
- 3 HCS HB 1644, (Fiscal Review 5-01-08), E.C. - Muschany

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1490 - Deeken
- 2 HB 1572 - Franz

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 11, (3-05-08, Pages 421-422) - Nolte
- 2 HCR 20, (4-23-08, Page 1123) - Ervin
- 3 HCS HCR 27, (3-13-08, Pages 498-499) - Curls

**SENATE JOINT RESOLUTION FOR THIRD READING**

SS SCS SJRs 34 & 30 - Bruns

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 HCS SCS SBs 753, 728, 906 & 1026 - Swinger
- 2 HCS SB 723 - Bruns
- 3 HCS SB 733 - Bruns
- 4 HCS SCS SB 760 - St. Onge
- 5 HCS SB 797 - May
- 6 SB 801 - Flook

- 7 HCS SB 820 - Schieffer
- 8 SCS SB 850 - Meiners
- 9 HCS SB 856 - Fallert
- 10 SB 896 - McGhee
- 11 SB 928 - Schad
- 12 SB 936 - Lembke
- 13 HCS SB 943 - Schoeller
- 14 SCS SB 951 - Spreng
- 15 SB 956 - Hobbs
- 16 HCS SB 978 - Pollock
- 17 SB 979 - Dusenberg
- 18 SB 980 - Flook
- 19 SB 991 - Schlottach
- 20 SB 999 - Parson
- 21 HCS SB 1002 - Curls
- 22 HCS SCS SB 1008 - Ervin
- 23 SCS SB 1009, E.C. - Wasson
- 24 SB 1016 - Pratt
- 25 HCS SCS SB 1033 - Sutherland
- 26 HCS SCS SB 1039 - Weter
- 27 SCS SB 1044 - McGhee
- 28 SB 1061 - Cooper (120)
- 29 SB 1073 - Faith
- 30 HCS SCS SB 1131 - Curls
- 31 HCS SB 1135 - Curls
- 32 SCS SB 1150 - Lembke
- 33 HCS SCS SBs 1153, 1154, 1155 & 1156 - Viebrock
- 34 SCS SB 1168 - Scharnhorst
- 35 SB 1177 - Cooper (155)
- 36 SB 1187 - Pollock
- 37 SB 1190 - Wasson
- 38 SCS SB 1235 - Pratt

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 942 - Quinn (7)
- 2 HCS SB 1010 - Stevenson
- 3 HCS SB 932 - Grisamore
- 4 SB 955 - Wildberger
- 5 SB 970 - May
- 6 HCS SB 1175 - Cox
- 7 HCS SS SCS SB 711 - Sutherland
- 8 SCS SB 901 - Hunter
- 9 SB 1038 - Cox
- 10 SB 885 - Cooper (120)
- 11 SS SCS SB 1059 - Pearce
- 12 SCS SB 1157, E.C. - Walsh

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- 13 HCS SCS SBs 1034 & 802, E.C. - Kraus
- 14 SS SCS SBs 714, 933, 899 & 758, E.C. - Bruns
- 15 HCS SS SCS SBs 818 & 795 - Smith (14)
- 16 HCS SCS SB 720, (Fiscal Review 5-06-08) - Smith (150)
- 17 HCS SCS SBs 754 & 794 - Lipke
- 18 HCS SCS SB 765, E.C. - Schneider
- 19 HCS SS SCS SB 778, (Fiscal Review 5-05-08) - Cooper (155)
- 20 SCS SB 873 - Pratt
- 21 HCS SCS SBs 930 & 947 - St. Onge
- 22 SS SB 1159 - Pratt
- 23 HCS SCS SB 1209, E.C. - Sutherland
- 24 HCS SB 925 - Aull
- 25 HCS SCS SB 994, E.C. - Wallace

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS HB 1678, as amended - Day
- 2 SS#2 SCS HCS HB 1619, as amended - Jones (117)
- 3 SCS HCS HB 2034, as amended - Munzlinger
- 4 SS SCS HB 1384 & HB 2157 - Cox
- 5 SS SCS HCR 30, (5-06-08, Pages 1347-1348) - Emery

**BILLS IN CONFERENCE**

- 1 CCR HCS SS SCS SB 931, as amended - Munzlinger
- 2 CCR HCS SB 841, as amended - St. Onge
- 3 HCS SB 958 - Schad
- 4 SB 1068, HA 1, HA 3 - Sater
- 5 HCS SB 1074, as amended - Smith (14)
- 6 SS SCS HB 2224 - Jones (117)

**SENATE CONCURRENT RESOLUTIONS**

- 1 SCR 40, (4-14-08, Pages 914-915) - Pratt
- 2 SCR 31, (4-24-08, Page 1164) - Loehner

**HOUSE RESOLUTION**

- HR 185, (4-30-08, Page 1248) - Jones (117)