

Journal of the House

NINETY-FIRST GENERAL ASSEMBLY
of the
STATE OF MISSOURI
FIRST EXTRAORDINARY SESSION

FIRST DAY, WEDNESDAY, SEPTEMBER 5, 2001

Speaker Kreider in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

MESSAGE FROM THE GOVERNOR

The following Proclamation was received from His Excellency, Governor Bob Holden.

PROCLAMATION

WHEREAS, Missouri's senior population is going to grow over the next nine years from 13.5 percent of our state population to over 20 percent; and

WHEREAS, American seniors over the age of 65 take an average of over nine different medications, and much of our growing senior population is struggling with the dilemma of how to afford the skyrocketing cost of these medications on limited and fixed incomes, often finding that they have to make the unthinkable choice between food and medicine; and

WHEREAS, the federal government has repeatedly failed to adequately address the problem of the rising costs of prescription drugs, and these costs are expected to more than double by the end of the decade; and

WHEREAS, Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 14, passed by the General Assembly of the State of Missouri and signed into law in 1999, created an unexpectedly expensive prescription drug program that does not help those Missouri seniors who are least able to pay for needed medication; and

WHEREAS, in spite of my making prescription drug cost relief one of the major priorities of the first budget of my administration, no consensus was reached by the end of the last regular legislative session on what form a relief program would take, although the General Assembly did appropriate money to pay for the state cost of the first year of such a program; and

WHEREAS, I have appointed a special task force that is holding public hearings and reviewing the issue throughout the summer, and this special task force is charged with making recommendations to the members of the General Assembly for a fiscally-responsible prescription drug relief plan that helps the most needy Missouri seniors; and

WHEREAS, Missouri's Medicaid income eligibility and asset limits for the elderly are some of the lowest in the country, and raising these income guidelines, in conjunction with a new prescription drug relief program, will ensure that Missouri's lowest income seniors will have access to needed prescription drugs; and

WHEREAS, the United States Congress enacted the Economic Growth and Tax Reconciliation Relief Act of 2001 (P.L. 107-16) on June 7, 2001, and President George W. Bush thereafter signed into law P.L. 107-16; and

WHEREAS, Section 101(b)(1) of P.L. 107-16 was codified as Internal Revenue Code Section 6428, which contains provisions that will reduce the federal income tax paid by many individual taxpayers, including many Missouri residents, for the taxpayer's first taxable year beginning in 2001; and

WHEREAS, for many Missouri residents, the effect of this reduction in federal income tax liability will be a reduction in the federal income tax deduction provided by Section 143.171, RSMo, and an increase in the Missouri tax liability for the taxpayer's first taxable year beginning in 2001; and

WHEREAS, Missouri is one of only nine states that allows for a deduction for federal income tax paid, which reduces the tax liability for Missouri taxpayers, and this advantageous aspect of Missouri tax law will no longer operate to the benefit of Missouri taxpayers unless the General Assembly changes the tax law to respond to the passage of P.L. 107-16; and

WHEREAS, P.L. 107-16 was enacted after the time allowed by Article III, section 20(a) of the Constitution of the State of Missouri for the Ninety-First General Assembly to consider any bill to alleviate the increase in Missouri tax due to the enactment of P.L. 107-16; and

WHEREAS, the inability of the Ninety-First General Assembly to consider a bill to alleviate the increase in Missouri tax due to the enactment of P.L. 107-16 will keep some Missouri taxpayers from realizing the full benefit of federal tax relief, which was intended to put a sum of money directly back into the hands of the citizens of Missouri; and

WHEREAS, open access to and expansion of markets and market options is an essential element of agricultural enterprise; and

WHEREAS, in 1999, Conference Committee Substitute for House Substitute for Senate Bill No. 310 (hereinafter "SB 310") enacted provisions of law that may to some degree change the climate of business transactions between animal producers and processors; and

WHEREAS, in May of 2001, when court challenges to the law ceased and the price discrimination provisions of SB 310 became enforceable, animal processors limited purchases of Missouri fed animals to a grade and yield method, curtailing cash sale options for producers and causing severe economic hardship to Missouri's fed cattle and hog industries; and

WHEREAS, maintaining a strong and vital agricultural economy is critical to the long term health of our state, in both rural and urban areas; and

WHEREAS, the ability to negotiate price on a cash basis is an essential element of maintaining the stability of the market and profitability for both small and large producers; and

WHEREAS, all parties have been engaged in the development of specific compromise language that will reopen cash market options for Missouri producers; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the failure to create a new, fiscally-responsible prescription drug program, the passage of P.L 107-16 and its subsequent, adverse effect on Missouri taxpayers, and the passage of SB 310 and its subsequent, adverse effect on Missouri's fed cattle and hog industries are extraordinary occasions as envisioned by Article IV, Section 9, of the Constitution of the State of Missouri.

NOW THEREFORE, on the extraordinary occasions that exists in the state of Missouri:

I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-First General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, on September 5, 2001; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To repeal Section 135.095, Section 208.010, and Section 208.151, RSMo, and to enact in lieu thereof a new section or new sections creating a prescription drug program for seniors, the state cost for the first year of which is funded by an appropriation made by the General Assembly of the State of Missouri during the first regular session of the Ninety-First General Assembly, and the state cost for all subsequent years of which is subject to appropriation pursuant to Article III, section 36, of the Constitution of the State of Missouri, and expanding Medicaid eligibility for seniors.
2. To amend Section 143.171.2, RSMo, to allow a deduction from Missouri taxable income for the credit against the individual's federal income allowed by Internal Revenue Code Section 6428, enacted as part of P.L. 107-16 on June 7, 2001, for the taxpayer's first taxable year beginning on or after January 1, 2001, but before January 1, 2002.
3. To amend Sections 277.200 to 277.212, RSMo, to offer protections to producers against unjust discrimination in pricing, unreasonable preferences in pricing, manipulating or controlling prices, monopoly control, and unlawful activities in pricing, with enforcement provisions, and to address private causes of legal action and treble damages for discrimination.
4. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
5. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 24th day of August, 2001.

/s/ Bob Holden

GOVERNOR

ATTEST:

/s/ Matt Blunt

INTRODUCTION OF HOUSE BILLS

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

HB 1, introduced by Representative Froelker, relating to the deduction for federal income taxes.

HB 2, introduced by Representatives Secrest, Hegeman, Hanaway, Naeger, Shields, Reinhart, Luetkemeyer and Purgason, et al, relating to federal tax credit.

HB 3, introduced by Representatives Abel and Naeger, et al, relating to a pharmaceutical investment program.

HB 4, introduced by Representatives Shoemyer, Legan, Myers, Hegeman, Berkowitz, Merideth and Britt, et al, relating to livestock marketing.

HB 5, introduced by Representatives Kennedy, Kreider, Barry, Johnson (90), Smith, Crump and Gambaro, relating to the deduction for federal income taxes.

APPOINTMENT OF COMMITTEE

The following members have been appointed to the House Special Committee on Price Discrimination.

Chris Liese - Chair

Mark Abel - Vice Chair

Robert Clayton

Ralph Monaco

Bill Ransdall

Henry Rizzo

Daniel Hegeman

B.J. Marsh

Jim Murphy

Peter Myers

Charles Nordwald

COMMITTEE ASSIGNMENT

The Speaker submitted the following committee assignment:

Representative Jim Whorton has been appointed a member of the Ways and Means Committee.

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 **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-first General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 3**.

SENATE RESOLUTION NO. 3

WHEREAS, the governor of the great state of Missouri, the Honorable Bob Holden, has called a Special Session of the Ninety-first General Assembly to convene one week prior to the official opening of the Veto Session on September 12, 2001; and

WHEREAS, the Senate Chamber has been undergoing extensive renovation since the end of the First Regular Session of the Ninety-first General Assembly, a project that will not be complete until the beginning of next year; and

WHEREAS, the members of the Missouri House of Representatives, under the leadership of Speaker Jim Kreider, have most graciously granted the Senate permission to use the facilities of House Committee Rooms 3 and 6 during the Special Session as well as the Veto Session; and

WHEREAS, all members of the Missouri Senate, under the leadership of President Pro Tem Peter Kinder, greatly appreciate the generosity extended to this legislative body during these important days deliberation and wish to acknowledge for many hours of hard work contributed by the talented members of the House Staff through their genuine concern to render prompt and efficient assistance; and

WHEREAS, the thirty-four senators of the state of Missouri accept with deep gratitude the kind offer made by their illustrious colleagues in the House during this time of need:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in expressing sincere appreciation to the Missouri House of Representatives for the compassionate manner in which they have responded to the temporary need of the Senate for an appropriate venue to conduct business during both the Special and the Veto Session: and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri House of Representatives.

The following members' presence was noted: Abel, Hampton, Koller, Moore, Lawson, Linton, Franklin, Secrest, Mayer, Lograsso, Merideth, Richardson, Treadway, Griesheimer, Foley, Kelly (144), Shoemyer, Portwood, Kennedy, Naeger, Hagan-Harrell, Coleman, Daus, Bland, Carnahan, Harding, Robirds, Berkowitz, Green (73), Murphy, Ransdall, Wright, Boatright, Fares, Ostmann, Hickey and Monaco.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:00 a.m., Thursday, September 6, 2001.

COMMITTEE MEETINGS

APPROPRIATIONS - TRANSPORTATION

Thursday, September 13, 2001, 9:00 am. Hearing Room 4.
To get information from MODOT regarding personnel and safety.

CHILDREN, FAMILIES, AND HEALTH

Thursday, September 6, 2001, 12:30 pm. Hearing Room 5.
Bill(s) relating to prescription drug coverage for senior citizens.
Executive Session may follow.

JOINT COMMITTEE ON ECONOMIC DEVELOPMENT

Tuesday, September 11, 2001, 8:00 am. Hearing Room 5.
Enterprise Zones. Milan in Sullivan County, Butler in Bates County.
Presentation J. Driskill. Executive Session.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, September 12, 2001, 9:00 am. Hearing Room 1.
Agenda: Set price for the 2001 Supplements to the Revised Statutes.
Oversight interim report.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, September 13, 2001, 8:30 am. Hearing Room 1.
Full committee meeting. County Employees' Retirement Fund.
Subcommittee immediately following.

PRICE DISCRIMINATION

Thursday, September 6, 2001, 10:00 am. Hearing Room 1. REVISED.
Hearing will recess at noon and reconvene at 3:00 pm.
Executive Session may follow.
To be considered: HB 4

SUBCOMMITTEE ON APPROPRIATIONS - EDUCATION

Monday, September 10, 2001, 10:00 am. Hearing Room 5.
University of Missouri 10:00 am, Lincoln University 8:00 pm.

SUBCOMMITTEE ON APPROPRIATIONS - EDUCATION

Wednesday, September 12, 2001, 8:00 am. Hearing Room 4.
Presentation University of Missouri - Rolla.

SUBCOMMITTEE ON PROFESSIONAL REGISTRATION & LICENSING

Wednesday, September 12, 2001, 8:00 am. Hearing Room 7.
Chapter 273 - Pet breeding regulations.

WAYS AND MEANS

Thursday, September 6, 2001, 12:30 pm. Hearing Room 7.
Bill(s) will be heard relating to state taxation of federal rebate.
Executive Session will follow.

HOUSE CALENDAR

SECOND DAY, THURSDAY, SEPTEMBER 6, 2001

HOUSE BILLS FOR SECOND READING

HB 1 through HB 5