

# JOURNAL OF THE HOUSE

First Extraordinary Session, 92nd GENERAL ASSEMBLY

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FIRST DAY, MONDAY, JUNE 2, 2003

Speaker Hanaway in the Chair.

Prayer by Father David Buescher.

You, God, surely You note today the various and sometimes contradictory emotions which fill this historical Chamber. These men and women must be here today. Yes, they were so ordered to so do. But they are here for more than just that. They took a solemn oath to uphold the Constitution of this state.

Even more, they're here because they own their responsibility to the people of this state, and perceive carrying out that charge as a serious undertaking. Please help them to begin this day and to work through this week with the advantage of some optimism, with salutary hope, and with a compelling desire to make these hours and days a fruitful enterprise. Amen.

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, Article III, Section 25 of the Constitution of the State of Missouri prohibits the General Assembly during its Regular Session from taking up for consideration any appropriation bill after 6:00 p.m. on the first Friday following the first Monday in May of each year; and

WHEREAS, May 9, 2003, was the first Friday following the first Monday in May of this year during the first Regular Session of this 92<sup>nd</sup> General Assembly; and

WHEREAS, the budget the General Assembly presented to the Governor on May 21, 2003, is significantly unbalanced and inadequate in that it fails to provide sufficient funds for education and those government services that protect all citizens, including children and the most vulnerable Missourians; and

WHEREAS, the 2004 fiscal year begins on July 1, 2003; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 10 because:

This bill reduces services to our most vulnerable citizens. Under this bill treatment and services for more than 3,200 mentally ill adults, 800 emotionally disordered children and almost 6,000 persons with a developmental disability will be reduced or eliminated. Substance abuse and treatment services will also be reduced or eliminated for over 7,000 Missourians. In addition, it eliminates women's health services, which are often the only primary health care services

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provided to over 30,000 low-income women. We cannot pretend that by cutting these dollars that there is no longer the need to serve and protect these citizens; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 3 because:

This bill reduces state aid to Missouri's two- and four-year colleges and universities to unacceptable levels. Under this bill, tuition and fees would increase at an average rate of approximately 10%, forcing a "tax increase" on low and middle income families. The reductions to various grant and scholarship programs will further reduce the availability of higher education opportunities. Families with lower and middle incomes may no longer be able to afford the cost of college. Due to the multiplier effect of these cuts to higher education institutions on their local and regional economies, the negative economic impact could result in additional reductions of \$50-\$150 million in these communities and regions; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 11 because:

This bill reduces support and critical services to people who need it the most. About 13,000 low-income working adults will lose healthcare coverage due to reductions in the Medicaid program. This reduction could lead to an increase in more costly emergency room visits and unhealthy parents unable to care for their children. The CHOICES program, which assists over 1,000 foster care youth between the ages of 13 and 15 in becoming responsible adults, will be eliminated. Grandparents raising their grandchildren will have an additional financial burden due to lower reimbursement rates under the Grandparents as Foster Parents Program. The state's effort to help eliminate violence in the home will be hampered because of reductions in Domestic Violence grants. Reduced support for community services will hurt welfare recipient's ability to achieve self-sufficiency. Community Partnerships have been productive in leveraging local and federal funds to address the social problems of their communities. These essential services are necessary to protect our most vulnerable citizens. This bill also reduces funding for Medicaid programs that are not connected to any cost-savings policy or statutory change. These reductions are not sustainable and must be restored to achieve a balanced budget; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 2 because:

This bill reduces state aid to our public schools to unacceptable levels. Since a significant percentage of the foundation program supports teacher salaries, such a cut is likely to result in the layoff of 3,400 school employees, including 2,038 teachers across the state. The elimination of the Science, Social Studies, and Health Education assessments is a step backwards in accountability of Missouri schools. The department and local school districts will be unable to determine how well students are performing in these important subject areas. Our children are our future. Reduced funding for education jeopardizes our commitment to provide quality public education to our children. It also jeopardizes the progress we've made improving test scores and drop out rates. We must protect the state's investment in education; and

WHEREAS, sufficient appropriations are still necessary for the budgets of the Departments of Elementary and Secondary Education, Health and Mental Health, Higher Education, Social Services and other governmental entities as specifically designated and limited below in paragraphs numbered as 1 through 4; and

WHEREAS, the failure to appropriate sufficient funds for the continued operations of the Departments of Elementary and Secondary Education, Health and Mental Health, Higher Education, Social Services and other governmental entities as specifically designated and limited below in paragraphs numbered as 1 through 4 would cause a serious disruption in the delivery of state and local governmental services to Missouri citizens, as the state would have insufficient funds to operate after June 30, 2003; and

WHEREAS, such a disruption in the delivery of state and local governmental services would constitute a serious threat to the health, safety, and welfare of the citizens of Missouri; and

WHEREAS, such a disruption in the delivery of state and local governmental services would impede the Governor from carrying out his duties pursuant to Article IV, Section 2, of the Constitution of Missouri to “take care that the laws are distributed and faithfully executed;” and

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

WHEREAS, such failure to appropriate adequate funds as required by the Constitution of the State of Missouri is an extraordinary occasion as envisioned by Article IV, Section 9, of the Constitution of the State of Missouri.

NOW, THEREFORE, on the extraordinary occasion 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 and Laws of the State of Missouri, do, by this Proclamation, convene the Ninety Second 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 their respective chambers in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, June 2, 2003; 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 appropriate sufficient money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior RX Program, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri; and

2. To appropriate sufficient money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds; and

3. To appropriate sufficient money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri; and

4. To appropriate sufficient money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds; and

5. To enact limited revenue enhancement proposals to be approved by the voters so that they may choose to authorize revenue in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, including the necessary and essential services set forth above in paragraphs 1 through 4; and

6. To amend the dead line for notification to election authorities of matters intended to be submitted to the voters for elections and to enact such legislation, with an emergency clause, in order for the state to utilize the legislation passed during this extra session; and

7. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been 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 30<sup>th</sup> day of May, 2003.

/s/ Bob Holden  
Governor

ATTEST:

/s/ Matt Blunt  
Secretary of State

### **INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS**

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

**HB 2**, introduced by Representative Bearden, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 3**, introduced by Representative Bearden, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 10**, introduced by Representative Bearden, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 11**, introduced by Representative Bearden, to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 21**, introduced by Representative Campbell, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 22**, introduced by Representative Campbell, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 23**, introduced by Representative Campbell, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

**HB 24**, introduced by Representative Campbell, to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 25**, introduced by Representatives Johnson (47), Taylor and Shoemaker (8), relating to tax credits for distressed communities.

**HB 26**, introduced by Representative Cunningham (86), relating to tax incentives.

**HB 27**, introduced by Representatives Myers, Cooper (120) and Harris (110), relating to environmental regulation.

**HB 28**, introduced by Representatives Cooper (120), Myers and Harris (110), relating to environmental regulation.

**HB 29**, introduced by Representative Graham, relating to gaming.

**MESSAGE FROM THE SENATE**

Madam 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-second 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.

The following members' presence was noted: Abel, Avery, Baker, Bean, Bearden, Behnen, Brown, Bruns, Burnett, Campbell, Cooper (115), Cooper (120), Crawford, Crowell, Cunningham (86), Davis (122), Deeken, Dempsey, Dixon, Dusenberg, Emery, Ervin, Fares, Fraser, Goodman, Graham, Guest, Hampton, Harris (23), Hobbs, Hoskins, Hunter, Icet, Jetton, Johnson (47), Jones, King, Kingery, Kratky, Lager, Lawson, Lembke, Lipke, May, Moore, Nieves, Parker, Pearce, Phillips, Portwood, Pratt, Purgason, Ransdall, Rector, Richard, Salva, Sander, Schaaf, Schneider, Selby, Self, Shoemaker (8), Shoemyer (9), Skaggs, Smith (118), Stevenson, Sutherland, Taylor, Thompson, Villa, Viebrock, Wallace, Walsh, Wasson, Willoughby, Wilson (42), Wilson (119), Wilson (130), Wright and Yates.

**ADJOURNMENT**

On motion of Representative Byrd, the House adjourned until 10:00 a.m., Tuesday, June 3, 2003.

**COMMITTEE MEETINGS**

**BUDGET**

Tuesday, June 3, 2003, 10:30 a.m. Hearing Room 3.  
Public testimony to begin at 10:30 a.m.

**BUDGET**

Wednesday, June 4, 2003, 10:30 a.m. Hearing Room 3.  
Executive Session to begin at 10:30 a.m.

**HOUSE CALENDAR**

SECOND DAY, TUESDAY, JUNE 3, 2003

**HOUSE BILLS FOR SECOND READING**

- 1 HB 25
- 2 HB 26
- 3 HB 27
- 4 HB 28
- 5 HB 29

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

- 1 HB 2
- 2 HB 3
- 3 HB 10
- 4 HB 11
- 5 HB 21
- 6 HB 22
- 7 HB 23
- 8 HB 24