

# JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

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SIXTH DAY, WEDNESDAY, JANUARY 10, 2001

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

O Lord, this day is a gift from You and as we move through it, let us be adequate for whatever it holds. Help us to be content with today's troubles so that we will not borrow the troubles of tomorrow.

Protect these men and women of the House from: Hardness of heart towards imperfect neighbors, slowness to see the hurts of the neediest.

And grant to us all this day, the wonderful gifts of laughter and perspective. To You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jessica Gatton, Todd Neill, Sarah French and Alex French.

The Journal of the fifth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 30 - Representative Surface  
House Resolution No. 31 - Representative King  
House Resolution No. 32 - Representative Green (73)  
House Resolution No. 33  
through  
House Resolution No. 37 - Representative Williams  
House Resolution No. 38 - Representative Copenhaver

## SECOND READING OF HOUSE BILLS

**HB 293** through **HB 303** were read the second time.

Representative Crump moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 154

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

|           |         |           |      |       |
|-----------|---------|-----------|------|-------|
| Champion  | Clayton | Dougherty | Long | Patek |
| Seigfreid | Wagner  | Ward      |      |       |

VACANCIES: 001

## JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Maxwell, presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 027

|           |         |          |         |           |
|-----------|---------|----------|---------|-----------|
| Bentley   | Bland   | Carter   | Caskey  | Childers  |
| DePasco   | Foster  | Gibbons  | Goode   | Gross     |
| House     | Jacob   | Kenney   | Kinder  | Klarich   |
| Mathewson | Quick   | Rohrbach | Russell | Schneider |
| Sims      | Staples | Steelman | Stoll   | Westfall  |
| Wiggins   | Yeckel  |          |         |           |

NOES: 000

ABSENT: 002

|        |           |
|--------|-----------|
| Loudon | Singleton |
|--------|-----------|

ABSENT WITH LEAVE: 002

|         |       |
|---------|-------|
| Johnson | Scott |
|---------|-------|

VACANCIES: 003

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 152

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

|       |         |         |           |      |
|-------|---------|---------|-----------|------|
| Baker | Ballard | Clayton | Dougherty | King |
| Long  | Moore   | Patek   | Wagner    | Ward |

VACANCIES: 001

The doorkeeper announced the approach of the Honorable William Ray Price, Jr., Chief Justice of the Missouri Supreme Court. Chief Justice Price was duly escorted to the House Chamber and to the Speaker's dais where he delivered the following message to the assembly in Joint Session:

### **STATE OF THE JUDICIARY ADDRESS**

**By**  
**Chief Justice William Ray Price, Jr.**  
**January 10, 2001**

Mr. Speaker. Mr. President. Members of the General Assembly.

On behalf of the judges of the state of Missouri, it is a pleasure and an honor to deliver this 28<sup>th</sup> State of the Judiciary address.

At the outset, let me commend you, both members of the House and members of the Senate, for resolving your issues of leadership. I am certain that each side had hoped for more and that each side had clever strategies in place in the event compromise was not reached. But, you were right to take the high road and to avoid the partisan chicanery that so tires our people. Centuries ago, Sir Francis Bacon noted that:

Nothing doth more hurt in a state than that cunning men pass for wise.

You acted with wisdom and dignity befitting the high honor of the House and of the Senate. I commend you.

Now, just the second day after our inauguration ceremonies, the sense of a new beginning is overwhelming. New faces and new dreams; all in hopes of a brighter future for the people of Missouri. You have the important task of charting the path for our government and people to follow.

Our role in the courts, though equally important, is much more limited. We resolve disputes. We have no power until litigants come to us with a real controversy. When they do, we are not free to choose any resolution. We are first bound to honor our national and our state constitutions. We then follow the laws that you enact. We attempt to do this as fairly and as faithfully as we can, reading the words you chose as simply and accurately as possible. We are not free to do what we might think is best otherwise, nor are we free to do what we might think you meant otherwise. We may only follow the words of the statutes as you have actually written them.

I know some of you are wondering why I am taking time to say this. But, sometimes it is best to say, out loud, the important rules we live by, so there is no confusion between you and us. It is our desire as judges simply to follow and interpret the laws of Missouri, not to chart new paths on our own. That is what the people elect you to do. Your duty in this regard deserves the highest care both in your thoughts and your words.

I am pleased to report to you that the wisdom of the Missouri Plan for merit selection of appellate judges, again, leads the nation. While contested elections in Michigan, Ohio, and Mississippi involved the expenditures of millions and millions of dollars of special interest money, one Missouri Supreme Court judge and three judges of our Court of Appeals were retained without a penny of fund raising or expenditure and without a single negative advertisement.

The Missouri Plan has also shown its value in the diversification of our appellate courts. Our past four appointments-- Sherrie Sullivan, Thomas Newton, George Draper, and Ron Holliger--include two African American men and a woman.

Let me be clear. The Missouri Plan is the example to the nation of the best method for selecting appellate judges. It deserves our continued respect and protection.

We at the Supreme Court are sad that Ann Covington is resigning at the end of this month. As the first woman to serve on our Court of Appeals and Supreme Court, she has played a pivotal role in the history of this state. She played that role with dignity and grace. We will miss her.

We have confidence that the Missouri Plan will serve us well in selecting her successor, but you should note that this is the second judge of the Supreme Court in the past three years to leave the court prematurely to return to the private sector. Last year, Judge Albert Riederer left the Court of Appeals to do the same. These actions speak louder than any words I can say.

As I said before, our core function is to decide lawsuits. For better or for worse, the people of Missouri are still turning to the courts for the resolution of their controversies in great numbers. Last year, approximately 962,000 new cases were filed. Our courts resolved approximately 917,000 cases. We continue to focus on timely resolution of the lawsuits brought before us, and we continue to transfer judges around the state to equalize caseloads.

I am pleased to report that again:

- We disposed of 80% of civil cases within 18 months;
- We disposed of 91% of domestic cases within 12 months;
- We disposed of 85% of associate civil cases in 6 months and 94% within 12 months; and
- We disposed of 85% of circuit court felony cases within 8 months.

Unlike many other states, there are no massive backlogs in our courts and Missouri litigants are able to obtain trial dates as they are needed. We are grateful to the hardworking judges across the state who make this possible. We are also grateful to you for providing the necessary resources for us to do our work.

Last year, I spoke to you about two areas of priority that we would focus on in our administrative capacity, court automation and drug courts. I am pleased to report to you that significant progress was made in both of these areas.

This past calendar year, the Missouri Court Automation Project more than doubled the number of circuit courts in the state benefiting from its case management system. As of today, 15 judicial circuits, consisting of 32 counties, the Supreme Court, and all three districts of the Court of Appeals are now online. During the remainder of this fiscal year we plan to add six additional judicial circuits including 16 counties in the southeastern portion of the state. By July 1, 2001, almost 41% of our caseload and almost 50% of our citizens will have access to the benefits of court automation.

We have kept our promise to use new monies to roll out court automation across the state as quickly as possible. It is crucial that this project be completed.

In the next fiscal year, we plan to add another ten judicial circuits consisting of 27 additional counties: Scotland, Schuyler, Clark, Carroll, Ray, Randolph, Howard, Lafayette, Saline, Benton, Dallas, Hickory, Polk, Webster, Atchison, Gentry, Holt, Nodaway, Worth, Linn, Chariton, Sullivan, St. Louis County probate division, Jefferson, Henry, St. Clair, and Bates. This will increase the benefits of automation to 55% of Missouri's caseload and 76% of Missouri's population. To stop this project halfway, having favored many of our counties, but leaving the others out, would be unthinkable and most likely irreversible.

The usefulness of court automation extends beyond mere judicial record keeping and affects the lives of our citizens in very real ways. In Fulton, Missouri, we developed a pilot site linking an elementary school, a middle school, and a high school to the courts and to the local juvenile officer. The system allows the immediate online exchange of juvenile court and protective custody information, as well as the names of students who have received detention, tardiness, truancy notices, and incident reports.

The need for such a system was quickly apparent. A student moved from Boone County to Fulton without telling her juvenile officer. A school guidance counselor made an inquiry and within 10 minutes learned that the student had a scheduled court appearance for the next day. Without the pilot project, the student would have missed the court appearance and would have gotten into even worse trouble.

Another example of the need for a statewide system of court automation also comes from Callaway County. A mother there was hospitalized with no one to care for her 14-year-old son. The boy was placed in a foster care home so that he could be provided for safely. The home included several other young children. What was not known was that the 14-year-old boy was accused in another county of allegedly sexually molesting children. The failure to have a statewide computer system linking court to court and court to juvenile officer allowed for well-meaning state employees to create a very dangerous situation for the children already in that home. We all need the Missouri Court Automation program to go forward.

Another area of important progress in the past year has been drug courts. As you recall, drug courts provide treatment to non-violent offenders under intense judicial supervision, most often as an alternative to incarceration. We now have 22 adult felony drug courts, 7 juvenile drug courts, and 2 family drug courts. Another 21 adult drug courts, 7 juvenile drug courts, and 6 family drug courts are in the planning stage. Twenty-eight additional counties are considering drug court programs.

The benefits of drug court programs relative to their cost is clear and compelling. As of July 1, 2000, 1147 individuals graduated from Missouri drug courts at an average cost to the state of \$5,042 a person. The recidivism rate for these individuals was about 5%. The cost of incarceration for these individuals would have been at least \$12,700 a year. The recidivism rate for drug offenders who have not graduated from drug court is about 45%.

Listen to those numbers again: \$5,042 a year for drug court compared to \$12,700 a year for incarceration; 5% recidivism rate for drug court graduates compared with a 45% recidivism rate otherwise. If you have to think twice, consider this. Twenty-five drug free babies were born to drug court participants. Estimated hospital savings for those new babies begin at \$4,300 per child. But, how can you even begin to value the hope that now can exist for these new lives?

Just two weeks ago associate circuit Judge Patricia Joyce from here in Jefferson City sent me a copy of a letter she received from one of her drug court graduates. The letter was titled "Gratitude". Let me read parts of that letter to you.

As this year is coming to an end, I have looked back to where I started....I was once again full blown into my addiction...with the same results jail or D.O.C....But by the grace of God my cry for help was answered....I was given the opportunity to receive help for my addiction instead of being locked away as I have [been] so many times before....I could go on forever...to express my gratitude for the people in my life to this day [who] have helped me change from criminal activity to a responsible citizen....I know I have a long way to go and...the road...will be hard....I am very thankful for having this opportunity to start living again...

The author of this letter is now gainfully employed and plans to enroll in college this coming semester.

Drug courts are one of the rare opportunities in government where the least expensive alternative works the best to truly help people in need. We again ask that you support this program.

We again ask that you coordinate the disjointed method of funding this important work so that it can be administered as efficiently and as effectively as possible.

There is one other area of work that I did not speak about last year, that I need to talk about now. It concerns our attempt to speed up the process for the permanent placement of our children who are in foster care.

When it is so dangerous to leave a child with his or her natural parents that the state must intervene and remove the child, then it is the state's obligation to determine what to do with that child as quickly as possible. Although we owe our deepest thanks to those individuals who serve as foster parents, leaving the child in an endless legal morass of foster care is not the answer.

Three years ago, we initiated two pilot projects to see if we could shorten the time to adjudicate permanent placement for these children. One pilot project was in the 2<sup>nd</sup> judicial circuit under the supervision of Judge Russell Steele. The other was in the 23<sup>rd</sup> judicial circuit under the supervision of associate circuit Judge Carol Bader. We learned that with aggressive case management and close judicial supervision we could reduce a child's stay in foster care by an average of 105 days, at a savings of \$25 a day per child.

We would like to expand these pilot projects into 5 additional circuits. We have shown that any dollars committed to speeding our foster children to new permanent homes will repay themselves many times over. And, of course, it is the right thing to do for our most unfortunate children.

This is the only opportunity I have to address you as a body for the coming session. Although there are many other matters I could talk about, I have limited my remarks to those that I believe are most important for you to hear. Matters that I believe are most important for the people of Missouri.

I would like you to remember that we are performing our core function timely and well. We do not want to slide backwards into massive backlogs that would delay, and in some cases deny, our citizens access to the courts for the resolution of their disputes.

In our administrative capacity, we attempt to focus upon those matters that are of crucial importance and that have the promise of improved usefulness and efficiency.

One of those areas is statewide court automation. Our new system is working. The project is halfway done. We cannot stop rollout now.

Another is drug courts. They make moral and fiscal sense. They need to be expanded both geographically to new counties and to family and juvenile settings. Funding needs to be coordinated and administered to assure the greatest possible efficiency and effectiveness.

Finally, we need to improve the manner in which we care for our children who have been removed from their natural homes. Resources are needed to expand our two pilot sites into 5 additional counties.

I know that this will be a very difficult year for the state's budget. Everyone will be coming to you with worthwhile programs, all seeking the same money. Please remember, justice is not a luxury to be financed only in good times and cut back in bad times. Justice is the dream of our people that allows them to have faith in their government. It is no mistake, that its promise is how we end our pledge of allegiance.

Thank you. I wish you the very best in your service to the people of Missouri in this session of the General Assembly.

The Joint Session was dissolved by Lieutenant Governor Maxwell.



Speaker Kreider resumed the Chair.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 304**, introduced by Representative Walton, relating to the composition of fire protection district boards.

**HB 305**, introduced by Representative Walton, relating to the creation of subdistricts in certain school districts.

**HB 306**, introduced by Representatives Wiggins, Clayton, Shoemyer, Berkowitz and Ransdall, et al, relating to the agricultural producer protection act.

**HB 307**, introduced by Representatives Wiggins, Myers, Williams, Relford, Merideth, Shoemyer and Berkowitz, et al, relating to soil and water conservation districts.

**HB 308**, introduced by Representatives Clayton and Wiggins, relating to new generation cooperatives.

**HB 309**, introduced by Representatives McKenna, Johnson (90), Wagner, Selby, Abel and Hollingsworth, relating to allowable costs for state aid to community colleges.

**HB 310**, introduced by Representative Ostmann, et al, relating to temporary driver's permits.

**HB 311**, introduced by Representatives Scheve and Reid, relating to pharmaceutical income tax credits for low income elderly and disabled persons.

**HB 312**, introduced by Representatives Lograsso, Ridgeway, Naeger, Reinhart and Moore, et al, relating to motor vehicles.

**HB 313**, introduced by Representative Liese, relating to gaming.

**HB 314**, introduced by Representatives Treadway and Nordwald, relating to the licensure of baccalaureate social workers.

**HB 315**, introduced by Representatives Foley, Graham, Champion, Miller and Barry, et al, relating to the office of state ombudsman for mental health facility residents.

**HB 316**, introduced by Representatives Graham, Overschmidt, Griesheimer and Dolan, relating to liquor control.

**HB 317**, introduced by Representatives Kennedy, Barry, Burcham and Ladd Baker, et al, relating to the department of health.

**HB 318**, introduced by Representative O'Toole, relating to public retirement plans.

**HB 319**, introduced by Representative O'Toole, relating to income taxation.

**HB 320**, introduced by Representatives Williams and Henderson, et al, relating to watercraft regulation.

**HB 321**, introduced by Representatives Skaggs, Curls, Wilson (42), Campbell, Van Zandt and Hoppe, relating to taxation for public mass transportation systems.

**HB 322**, introduced by Representatives Campbell and Van Zandt, relating to the transfer of control of certain unaccredited urban school districts from the local school board to the state board of education.

**HB 323**, introduced by Representatives Crump, Ransdall and Hampton, relating to restraining animals.

**HB 324**, introduced by Representatives Hollingsworth and Hanaway, relating to bestiality.

**HB 325**, introduced by Representative Marble, relating to approved uses for school bond moneys.

#### **WITHDRAWAL OF HOUSE BILL**

January 9, 2001

Ted Wedel, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306 C  
Jefferson City, Missouri 65101

Dear Ted:

I respectfully request to withdraw **House Bill 255**, relating to adoption records.

Your consideration is appreciated.

Sincerely,

/s/ Glenda Kelly  
State Representative  
District 27

The following member's presence was noted: Ward.

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, January 11, 2001.

**HOUSE CALENDAR**

SEVENTH DAY, THURSDAY, JANUARY 11, 2001

**HOUSE BILLS FOR SECOND READING**

HB 304 through HB 325