

# JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

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SEVENTEENTH DAY, WEDNESDAY, FEBRUARY 6, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

Merciful God, as these representatives gather today, bless them with a great portion of inner peace, wisdom, and emotional strength to do, in the best way they can, what they have been elected to do. Let them think for a moment of the constituents back in their home districts, the men and women on farms, in village, town, and city who chose these good people as their best hope here in our legislature.

These chosen ask for the grace to preserve what needs saving back home, and strength to help change those things that in any way threaten life or liberty or the pursuit of happiness. So may they do. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the sixteenth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 176 - Representative Hanaway  
House Resolution No. 177  
through  
House Resolution No. 184 - Representative Cooper  
House Resolution No. 185 - Representative Relford  
House Resolution No. 186 - Representative Kelly (144)  
House Resolution No. 187 - Representative King  
House Resolution No. 188 - Representative Reynolds, et al  
House Resolution No. 189  
and  
House Resolution No. 190 - Representative Crowell  
House Resolution No. 191 - Representative Gambaro  
House Resolution No. 192 - Representative Myers  
House Resolution No. 193 - Representative Liese  
House Resolution No. 194  
through  
House Resolution No. 198 - Representative Purgason

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 14** and **HCR 15** were read the second time.

## SECOND READING OF HOUSE BILLS - APPROPRIATIONS

**HB 1107**, **HB 1109** and **HB 1110** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1788** through **HB 1810** were read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 1154**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

## THIRD READING OF SENATE BILL

**SCS SBs 727 & 703**, relating to tinted windows, was taken up by Representative O'Connor.

On motion of Representative O'Connor, **SCS SBs 727 & 703** was truly agreed to and finally passed by the following vote:

AYES: 154

|              |              |           |               |               |
|--------------|--------------|-----------|---------------|---------------|
| Abel         | Baker        | Ballard   | Barnett       | Barnitz       |
| Barry 100    | Bartelsmeyer | Bearden   | Behnen        | Berkowitz     |
| Berkstresser | Black        | Bland     | Boatright     | Bonner        |
| Boucher      | Bowman       | Boykins   | Bray 84       | Britt         |
| Brooks       | Burcham      | Burton    | Byrd          | Campbell      |
| Carnahan     | Champion     | Cierpiot  | Clayton       | Copenhaver    |
| Crawford     | Crowell      | Crump     | Cunningham    | Curls         |
| Daus         | Davis        | Dempsey   | Dolan         | Enz           |
| Fares        | Farnen       | Foley     | 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     | King         | Koller    | Lawson        | Legan         |
| Liese        | Linton       | Lograsso  | Long          | Lowe          |
| Luetkemeyer  | Luetkenhaus  | Marble    | Marsh         | May 149       |
| Mayer        | Mays 50      | McKenna   | Merideth      | Miller        |

|           |           |           |             |            |
|-----------|-----------|-----------|-------------|------------|
| Moore     | Murphy    | Myers     | Naeger      | Nordwald   |
| O'Connor  | O'Toole   | Ostmann   | Overschmidt | Phillips   |
| Portwood  | Purgason  | Quinn     | Ransdall    | Rector     |
| Reid      | Reinhart  | Relford   | Richardson  | Ridgeway   |
| Rizzo     | Roark     | Robirds   | Ross        | Scheve     |
| Schwab    | Scott     | Secrest   | Seigfreid   | Selby      |
| Shelton   | Shields   | Shoemaker | Shoemyer    | Skaggs     |
| Smith     | St. Onge  | Surface   | Thompson    | Townley    |
| Treadway  | Van Zandt | Villa     | Vogel       | Wagner     |
| Walton    | Ward      | Whorton   | Williams    | Willoughby |
| Wilson 25 | Wilson 42 | Wright    | Mr. Speaker |            |

NOES: 002

Reynolds                      Troupe

PRESENT: 000

ABSENT WITH LEAVE: 003

Bartle                      Cooper                      Monaco

VACANCIES: 004

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

|              |              |               |               |             |
|--------------|--------------|---------------|---------------|-------------|
| Abel         | Baker        | Ballard       | Barnett       | Barnitz     |
| Barry 100    | Bartelsmeyer | Bearden       | Behnen        | Berkowitz   |
| Berkstresser | Black        | Bland         | Boatright     | Bonner      |
| Boucher      | Bowman       | Boykins       | Bray 84       | Britt       |
| Burcham      | Burton       | Byrd          | Campbell      | Carnahan    |
| Champion     | Cierpiot     | Clayton       | Copenhaver    | Crawford    |
| Crowell      | Crump        | Cunningham    | Curls         | Daus        |
| Davis        | Dempsey      | Dolan         | Enz           | Fares       |
| Farnen       | Foley        | Franklin      | Fraser        | Froelker    |
| Gambaro      | Geokill      | 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       | Johnson 61   | Johnson 90    | Jolly         | Kelley 47   |
| Kelly 144    | Kelly 27     | Kelly 36      | King          | Koller      |
| Lawson       | Legan        | Liese         | Linton        | Long        |
| Lowe         | Luetkemeyer  | Luetkenhaus   | Marble        | Marsh       |
| May 149      | Mayer        | Mays 50       | McKenna       | Merideth    |
| Miller       | Moore        | Murphy        | Myers         | Naeger      |
| Nordwald     | O'Connor     | O'Toole       | Ostmann       | Overschmidt |
| Phillips     | Purgason     | Quinn         | Ransdall      | Rector      |
| Reid         | Reinhart     | Relford       | Richardson    | Ridgeway    |
| Rizzo        | Roark        | Robirds       | Ross          | Scheve      |
| Schwab       | Scott        | Secrest       | Seigfreid     | Selby       |
| Shelton      | Shields      | Shoemaker     | Shoemyer      | Skaggs      |
| Smith        | St. Onge     | Surface       | Thompson      | Townley     |

|           |           |         |             |            |
|-----------|-----------|---------|-------------|------------|
| Treadway  | Van Zandt | Villa   | Vogel       | Wagner     |
| Walton    | Ward      | Whorton | Williams    | Willoughby |
| Wilson 25 | Wilson 42 | Wright  | Mr. Speaker |            |

NOES: 001

Troupe

PRESENT: 000

ABSENT WITH LEAVE: 009

|          |        |          |          |        |
|----------|--------|----------|----------|--------|
| Bartle   | Brooks | Cooper   | Hunter   | Jetton |
| Lograsso | Monaco | Portwood | Reynolds |        |

VACANCIES: 004

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1408** - Sportsmanship, Safety and Firearms  
**HB 1435** - Sportsmanship, Safety and Firearms  
**HB 1505** - Professional Registration and Licensing  
**HB 1589** - Sportsmanship, Safety and Firearms  
**HB 1729** - Sportsmanship, Safety and Firearms  
**HB 1749** - Judiciary

### COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1192** and **HB 1519 (Consent)**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Conservation, State Parks and Mining**, Chairman Relford reporting:

Mr. Speaker: Your Committee on Conservation, State Parks and Mining, to which was referred **HB 1134**, **HB 1100** and **HB 1559**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education-Elementary and Secondary**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HJR 32**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Miscellaneous Bills & Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, American Sign Language (ASL) has been appropriately recognized by the Missouri General Assembly as "a fully developed, autonomous, unique, visual-gestural language with its own syntax, rhetoric, grammar and morphology" (Section 209.285, RSMo); and

WHEREAS, there are an estimated 546,000 persons in Missouri who are deaf or hard of hearing, of whom approximately 10,000 have American Sign Language (ASL) as their first or native language; and

WHEREAS, the Missouri General Assembly truly values the socio, cultural, ethnic, and linguistic diversity of its citizenry:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize American Sign Language as the first or native language of many of its deaf and hard of hearing citizens; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the Governor to establish by executive order an annual "Deaf Awareness Week" to be held in September of each year to coincide with the International Deaf Awareness Week, at which time the language, culture, and contributions of Missouri's deaf and hard of hearing citizens will be recognized; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 6**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.; and

WHEREAS, thousands of innocent Americans were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers and bystanders; and

WHEREAS, these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve;

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Extraordinary Session, the Senate concurring therein, recommend that Congress condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors; that we extend our deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends and loved ones; that the people of Missouri will stand united as

our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts; that we commend the heroic action of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill; that we declare that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law; that we extend our thanks to those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and ask them to continue to stand with the United States in the war against international terrorism; that we commit to support increased resources in the war to eradicate terrorism; and that we support the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for members of the Missouri Congressional Delegation.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 7**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, the horrific terrorist attacks of September 11, 2001, and the subsequent anthrax outbreak have had a profound affect on federal and state governments and constituencies; and

WHEREAS, the General Assembly of the State of Missouri is aware that most public health departments do not have the financial resources to respond to an event of the magnitude of this disaster; and

WHEREAS, many state budgets are in a deficit situation, with cuts occurring in public health; and

WHEREAS, the General Assembly of the State of Missouri recognizes that the communication and coordination between federal, state, and local health departments and governments must be improved to provide preparation, response, and continuum of care when handling an emergency situation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby request the United States Congress and the Department of Health and Human Services to provide financial support for each state, particularly at the local health district level which would likely be the line of first response in the event of an act of bioterrorism; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Secretary of the Department of Health and Human Services.

**Committee on Ways and Means**, Chairman Hilgemann reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1150**, **HB 1237** and **HB 1327**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

## INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

**HB 1105**, introduced by Representative Green (73), to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

## INTRODUCTION OF HOUSE BILLS

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

**HB 1811**, introduced by Representative Gambaro, to authorize the governor to convey certain described property in the City of St. Louis.

**HB 1812**, introduced by Representative Riback Wilson (25), relating to the health document services fund.

**HB 1813**, introduced by Representatives Monaco and Johnson (90), et al, relating to duties of the state auditor in validating certain bonds.

**HB 1814**, introduced by Representatives Monaco and Johnson (90), et al, relating to orders of protection.

**HB 1815**, introduced by Representative Scheve, relating to special license plates.

**HB 1816**, introduced by Representative Selby, relating to the fire education fund.

**HB 1817**, introduced by Representatives Franklin, Relford, Kreider, Shoemyer (9), Berkowitz, Kelly (27), Smith, Holand and Whorton, et al, relating to accountability for priority and performance schools.

**HB 1818**, introduced by Representative Hegeman, relating to public retirement systems.

**HB 1819**, introduced by Representative Scott, relating to revenues generated by moving traffic violations.

**HB 1820**, introduced by Representatives Phillips and Harding, relating to transient guest taxes.

**HB 1821**, introduced by Representatives Smith and Hunter, et al, relating to insurance underwriting.

**HB 1822**, introduced by Representatives Walton, Green (15), Dolan, Britt, Johnson (90), Ross, Abel and Ransdall, et al, relating to leave of absences to perform military duty.

**HB 1823**, introduced by Representatives Franklin, Hagan-Harrell, O'Toole and Skaggs, relating to public retirement systems.

**HB 1824**, introduced by Representatives Boucher, Monaco and Relford, relating to the release of probation documents.

**HB 1825**, introduced by Representatives Merideth, Myers, Britt, Jetton, Mayer, Richardson and Black, relating to the display of certain documents in public schools.

**HB 1826**, introduced by Representatives Hosmer, Britt, Smith, Marsh and Ross, relating to sexually violent predators.

**HB 1827**, introduced by Representative Cunningham, et al, relating to personal records with unique identifiers.

**HB 1828**, introduced by Representatives Cunningham and Hilgemann, et al, relating to competitive bids for various school projects.

**HB 1829**, introduced by Representatives Cunningham and Hendrickson, et al, relating to a joint committee on statutory review.

**HB 1830**, introduced by Representative Cunningham, et al, relating to statutory construction.

**HB 1831**, introduced by Representative Cunningham, et al, relating to the no-call list.

**HB 1832**, introduced by Representative Luetkemeyer, relating to law enforcement districts.

**HB 1833**, introduced by Representative Hendrickson, relating to property assessment.

**HB 1834**, introduced by Representatives Lowe, Green (15), George, Foley, Bland, Bowman and Selby, relating to testing of persons who expose providers to contagious or infectious disease.

**HB 1835**, introduced by Representative Treadway, relating to registered geologists.

#### **MESSAGE 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 **HCS HBs 1386 & 1038**.

Emergency clause adopted.

**WITHDRAWAL OF HOUSE RESOLUTION**

February 6, 2002

Ms. Joan Branson  
Assistant Chief Clerk  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65102

Dear Ms. Branson:

In January, 2002, I requested that a resolution be filed recognizing April 24<sup>th</sup> as a “Day of Remembrance of the Armenian Genocide.” I recently discovered that Representative Boucher from the 48<sup>th</sup> District has filed a resolution of remembrance of Armenian Genocide. Therefore, I would like to withdraw **House Resolution No. 67** which I filed in January.

Thank you for your assistance and patience in this matter. If you have any questions, please do not hesitate to contact me at 751-4835.

Sincerely,

/s/ Representative B.J. Marsh  
Missouri House of Representatives

**WITHDRAWAL OF HOUSE BILLS**

February 5, 2002

Mr. Ted Wedel  
Chief Clerk  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Mr. Wedel:

I request that **HB 1413** (authorizes a conveyance of state property in St. Francois County) be withdrawn today.

Thank you for your kind attention to this request.

Sincerely,

/s/ Tom Burcham  
State Representative  
District 106

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February 6, 2002

Mr. Ted Wedel  
Chief Clerk  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65101

Dear Mr. Wedel:

I respectfully request that **HB 1774** (relating to overtime pay for state employees) be withdrawn today due to drafting errors. A properly drafted bill will follow.

Thank you for your kind attention to this request.

Sincerely,

/s/ Larry Crawford  
District 117

The following members' presence was noted: Cooper and Monaco.

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, February 7, 2002.

### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Sixteenth Day, Tuesday, February 5, 2002, page 196, lines 32 and 33, by deleting said lines and inserting in lieu thereof the following:

**HCR 14**, introduced by Representative Townley, to encourage the Animal and Plant Inspection Service of the United States Department of Agriculture to develop and promulgate a permanent electronic identification program to be used on all red meat-producing livestock that would gather information and help protect the United States' consumer in the event of a bioterrorist threat.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - EDUCATION**

Thursday, February 7, 2002, 10:00 a.m. Hearing Room 1 upon adjournment.  
Mark-up continued. CANCELLED.

#### **APPROPRIATIONS - EDUCATION**

Thursday, February 7, 2002. Hearing Room 1 upon adjournment.  
Executive Session.  
To be considered - HB 1711

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, February 7, 2002. Hearing Room 7 upon adjournment.  
Attorney General and General Assembly.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 12, 2002. Hearing Room 6 upon adjournment or 1:00 to 2:45 p.m.  
Mark-ups.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 13, 2002. Hearing Room 6 upon adjournment or 1:00 to 2:45 p.m.  
Mark-ups.

APPROPRIATIONS - SOCIAL SERVICES

Monday, February 11, 2002, 1:00 p.m. Hearing Room 3.  
Department of Social Services

APPROPRIATIONS - TRANSPORTATION

Thursday, February 7, 2002, 8:30 a.m. Hearing Room 7.  
Public testimony.

BUDGET

Thursday, February 7, 2002, 8:30 a.m. Hearing Room 3.  
To be considered - HB 1115

CRIMINAL LAW

Monday, February 11, 2002. Side gallery upon adjournment.  
Executive Session.

ENVIRONMENT AND ENERGY

Thursday, February 7, 2002, 8:30 a.m. Hearing Room 5.  
Executive Session may follow.  
To be considered - HB 1472

FISCAL REVIEW AND GOVERNMENT REFORM

Tuesday, February 12, 2002, 8:30 a.m. Hearing Room 7.  
To be considered - HB 1306, HB 1404

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASES OVERSIGHT

Wednesday, February 13, 2002, 2:00 p.m. Hearing Room 2.

URBAN AFFAIRS

Tuesday, February 12, 2002, 4:00 p.m. Hearing Room 1.  
To be considered - HB 1488

**HOUSE CALENDAR**

EIGHTEENTH DAY, THURSDAY, FEBRUARY 7, 2002

**HOUSE BILLS FOR SECOND READING**

HB 1811 through HB 1835

**HOUSE BILL FOR SECOND READING - APPROPRIATIONS**

HB 1105

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HJR 32 - Barry

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1150, 1237 & 1327 - Bray
- 2 HCS HB 1134, 1100 & 1559 - Relford

**HOUSE BILL FOR PERFECTION - CONSENT**

(February 4, 2002)

HB 1151 - Smith

**HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

- 1 HCR 5 - Reynolds
- 2 HCR 7 - Boykins
- 3 HCR 6 - Jetton

**HOUSE BILL FOR THIRD READING**

HCS HB 1154 - Smith

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1519 - Boucher
- 2 HB 1192 - Harding