

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

TWENTY-SEVENTH DAY, MONDAY, FEBRUARY 25, 2002

Speaker Kreider in the Chair.

Prayer by Father David Buescher.

Lord, our God, if we open up our eyes and look around we see a wealth of assets. The minds, talents, and experiences here in this Chamber, for example, whether of the same political party or not, the people of Missouri, the great material beauty and richness of our state – all this evokes wonder at Your generosity.

We are a people and a state flowing in many ways with milk and honey. This is Your trust to us. We are grateful. May we be equally responsible. Help us to continue to discover proper means to expand on all this, that we might reflect the trust You have put in us. May the laws passed in this Chamber protect, defend, and build up the multitude of temporal and spiritual blessings You have given us. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-sixth day was approved as corrected by the following vote:

AYES: 149

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	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	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer

Lograsso Purgason

Wright

Bartelsmeyer Berkstresser Enz Hegeman Johnson 61
Robirds Skaggs

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 364 - Representative Copenhaver
House Resolution No. 365 through
House Resolution No. 474 - Representative Walton
House Resolution No. 475 - Representatives Hunter and Hohulin
House Resolution No. 476 - Representative Hunter
House Resolution No. 477 - Representatives Hunter and Hohulin
House Resolution No. 478 - Representative Behnen
House Resolution No. 479 - Representative Robirds
House Resolution No. 480 - Representative Boykins

HB 2015 through **HB 2036** were read the second time.

SB 708, SCS SB 712, SB 742, SB 860, SS SCS SB 931 and SB 974 were read the second time.

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 1472** and **HB 1432**, 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 Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HBs 1150, 1237 & 1327 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HB 1398 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HB 1711 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILLS

HB 1672, relating to income taxation of athletes and entertainers, was taken up by Representative Gambaro.

Speaker Pro Tem Abel assumed the Chair.

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

House Amendment No. 1

AMEND House Bill No. 1672, Page 3, Section 143.183, Line 36, by deleting the number "2008" and inserting in lieu thereof the following: "[2008] **2010**"; and

Further amend said bill, Page 3, Section 143.183, Line 39, by deleting the word "nine" and inserting in lieu thereof the following: "[nine] **eleven**"; and

Further amend said bill, Page 3, Section 143.183, Line 50, by deleting the number "2008" and inserting in lieu thereof the following: "[2008] **2010**"; and

Further amend said bill, Page 3, Section 143.183, Line 53, by deleting the word "nine" and inserting in lieu thereof the following: "[nine] **eleven**"; and

Further amend said bill, Page 4, Section 143.183, Line 61, by deleting the number "2008" and inserting in lieu thereof the following: "[2008] **2010**"; and

Further amend said bill, Page 4, Section 143.183, Line 64, by deleting the word "nine" and inserting in lieu thereof the following: "[nine] **eleven**"; and

Further amend said bill, Page 4, Section 143.183, Line 72, by deleting the number "2008" and inserting in lieu thereof the following: "[2008] **2010**"; and

Further amend said bill, Page 4, Section 143.183, Line 75, by deleting the word "nine" and inserting in lieu thereof the following: "[nine] **eleven**"; and

Further amend said bill, Page 5, Section 143.183, Line 95, by deleting the number "2008" and inserting in lieu thereof the following: "[2008] **2010**"; and

Further amend said bill, Page 5, Section 143.183, Line 98, by deleting the word "nine" and inserting in lieu thereof the following: "[nine] **eleven**"; and

Further amend said bill, Page 5, Section 143.183, Line 110, by deleting the number "2009" and inserting in lieu thereof the following: "[2009] **2011**"; and

Further amend said bill, Page 5, Section 143.183, Line 111, by deleting the number "2009" and inserting in lieu thereof the following: "[2009] **2011**"; and

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

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

On motion of Representative Gambaro, **HB 1672, as amended**, was ordered perfected and printed.

HCS HB 1765, relating to sales/use tax: simplified sales tax, was taken up by Representative Bray.

Representative Reid moved that the consideration of **HCS HB 1765** be postponed until one legislative day after all House Bills from HB 1028 through HB 1500 have been referred to a standing committee.

The Chair ruled that the motion is a privileged motion and only a request to postpone the consideration of **HCS HB 1765** indefinitely or to a specific date is in order.

Representative Reid made a privileged motion that the consideration of **HCS HB 1765** be postponed until Monday, March 4, 2002.

Which motion was defeated by the following vote:

AYES: 066

Barnett	Bartle	Bearden	Behnen	Black
Boatright	Burcham	Burton	Byrd	Champion
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Fares	Froelker	Gaskill
Griesheimer	Hanaway	Hartzler	Henderson	Hendrickson
Hohulin	Holand	Jetton	Kelley 47	Kelly 144
King	Legan	Linton	Lograsso	Long
Luetkemeyer	Marble	Marsh	May 149	Mayer
Miller	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	Phillips	Portwood	Purgason
Quinn	Rector	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Shields
Shoemaker	St. Onge	Surface	Townley	Vogel
Wright				

NOES: 079

Abel	Barnitz	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Copenhaver	Crump	Curls	Daus	Davis
Farnen	Foley	Franklin	Fraser	Gambaro
George	Graham	Gratz	Green 15	Green 73
Hagan-Harrell	Hampton	Harding	Harlan	Haywood
Hickey	Hilgemann	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 90	Jolly	Kelly 27	Kelly 36
Lawson	Liese	Lowe	Luetkenhaus	Mays 50
McKenna	Merideth	Monaco	Ostmann	Overschmidt
Ransdall	Relford	Reynolds	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Smith
Thompson	Treadway	Troupe	Van Zandt	Villa
Wagner	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 014

Baker	Ballard	Bartelsmeyer	Berkstresser	Enz
Hegeman	Hunter	Johnson 61	Koller	O'Toole
Reid	Reinhart	Richardson	Skaggs	

VACANCIES: 004

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1765, Pages 3 and 4, Section 144.1012, Lines 25-29, by deleting all of said lines.

Representative Dempsey moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Bray, **HCS HB 1765** was adopted.

On motion of Representative Bray, **HCS HB 1765** was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 361 - Miscellaneous Bills & Resolutions

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 51 - Miscellaneous Bills & Resolutions

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 1472 - Fiscal Review and Government Reform (Fiscal Note)

HB 1465 - Civil and Administrative Law

HB 1936 - Agriculture

HB 1953 - Budget

COMMITTEE REPORTS

Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 1242**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

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 1342**, **HB 1381**, **HB 1492**, **HB 1421**, **HB 1375**, **HB 1495** and **HB 1348 (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.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

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

HCR 24, introduced by Representative Kreider, relating to approval of a project for an agricultural research and demonstration project and related buildings and facilities for the Springfield campus of Southwest Missouri State University funded in part by revenue bonds secured by a pledge of future appropriations of the General Assembly.

HCR 25, introduced by Representative Merideth, relating to the creation of the Missouri Commission on the Delta Regional Authority.

INTRODUCTION OF HOUSE BILLS

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

HB 2037, introduced by Representative Clayton, relating to liens.

HB 2038, introduced by Representative Relford, relating to certain commercial motor vehicles.

HB 2039, introduced by Representative Kreider, relating to memorial streets and roads.

HB 2040, introduced by Representatives Bray, Riback Wilson (25) and Lowe, relating to the regulation of chip mills.

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 SB 885**, entitled:

An act to repeal section 135.207, RSMo, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

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 Senate has taken up and passed **SB 992**, entitled:

An act to repeal section 447.721, RSMo, relating to lost and unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

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 Senate has taken up and passed **SB 993**, entitled:

An act to repeal section 321.130, RSMo, relating to residency requirements for fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

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 Senate refuses to concur in **HCS SS #2 SB 650**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

ADJOURNMENT

On motion of Representative Foley, the House adjourned until 10:00 a.m., Tuesday, February 26, 2002.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-sixth Day, Thursday, February 21, 2002, pages 331 and 332, roll call, by showing Representatives Daus, Kelly (27) and Lowe voting "aye" rather than "absent with leave".

Pages 335 and 336, roll call, by showing Representative Hunter voting "aye" rather than "absent with leave".

Pages 336 and 337, roll call, by showing Representative Hunter voting "aye" rather than "absent with leave".

Pages 337 and 338, roll call, by showing Representative Wilson (42) voting "aye" rather than "absent with leave".

Pages 337 and 338, roll call, by showing Representative Champion voting "no" rather than "absent with leave".

Pages 337 and 338, roll call, by showing Representative Hagan-Harrell "absent with leave" rather than voting "no".

Pages 338 and 339, roll call, by showing Representatives Champion and Wilson (42) voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - CORRECTIONS AND PUBLIC SAFETY

Tuesday, February 26, 2002. Hearing Room 7 upon adjournment.

Mark-up.

To be considered - HB 1108, HB 1109

APPROPRIATIONS - CORRECTIONS AND PUBLIC SAFETY

Wednesday, February 27, 2002. Hearing Room 7 upon adjournment.

Mark-up.

To be considered - HB 1108, HB 1109

APPROPRIATIONS - EDUCATION

Tuesday, February 26, 2002. Hearing Room 1 upon adjournment.

Mark-up.

To be considered - HB 1102, HB 1103

APPROPRIATIONS - EDUCATION

Wednesday, February 27, 2002. Hearing Room 1 upon adjournment.

Mark-up.

To be considered - HB 1102, HB 1103

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, February 27, 2002. Hearing Room 5 upon adjournment.

To be considered - Executive Session - HB 1106, Executive Session - HB 1107

APPROPRIATIONS - SOCIAL SERVICES

Tuesday, February 26, 2002, 8:00 a.m. Hearing Room 3.

Department of Social Services.

BUDGET

Tuesday, February 26, 2002. Hearing Room 3 upon morning adjournment.

Executive Session.

To be considered - HB 1115

CHILDREN, FAMILIES, AND HEALTH

Tuesday, February 26, 2002, 3:00 p.m. Hearing Room 4.

Executive Session may follow.

To be considered - HB 1548, HB 1718, HB 1926, HB 1938

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 27, 2002, 3:00 p.m. Hearing Room 1.

To be considered - HB 1152, HB 1802, HB 1892, Executive Session - HB 1523,

Executive Session - HB 1768, Executive Session - HB 1780

COMMERCE AND ECONOMIC DEVELOPMENT

Tuesday, February 26, 2002, 3:00 p.m. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1753, HB 1930, HB 1946

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 26, 2002, 8:00 p.m. Hearing Room 7.

Executive Session may follow.

To be considered - HB 1795, HB 1849

CRIMINAL LAW

Wednesday, February 27, 2002, 8:00 p.m. Hearing Room 7.

Executive Session may be held. AMENDED.

To be considered - HB 1029, HB 1058, HB 1059, HB 1629, HB 1686, HB 1700,
HB 1730, HB 1759, HB 1760

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 26, 2002, 3:00 p.m. Hearing Room 3.

Executive Session may follow on House Bills 1084, 1191, 1392 and 1783.

To be considered - HB 1322, HB 1721, HB 1725

INSURANCE

Tuesday, February 26, 2002, 4:00 p.m. Hearing Room 5. AMENDED.

To be considered - HB 1821, Executive Session - HB 1473, Executive Session - HB 1502,

Executive Session - HB 1518, Executive Session - HB 1567, Executive Session - HB 1568

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, March 7, 2002. Hearing Room 6 upon adjournment

20CSR 500-6.700. Department of Insurance,

Property & Casualty, Workers' Compensation and Employer's Liability.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, February 27, 2002, 1:00 p.m. Hearing Room 4.

Discussion of Revision Bill and Review of Oversight Reports.

JUDICIARY

Tuesday, February 26, 2002, 1:00 p.m. Hearing Room 5.

To be considered - HB 1316, HB 1317, HB 1539, HB 1712, HB 1814, HB 1895, HB 1962,

Executive Session - HB 1076, Executive Session - HB 1244, Executive Session - HB 1537

LABOR

Tuesday, February 26, 2002, 5:30 p.m. Hearing Room 3.

To be considered - HB 1932

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 26, 2002, 3:00 p.m. Hearing Room 7.

Executive Session may follow.

To be considered - HB 1716, HB 1720, HB 1732, HB 1735, HB 1757, HB 1834

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 27, 2002, 8:00 a.m. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1460, HB 1879, HB 1880, HR 262, HR 318, HR 341

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 26, 2002, 3:00 p.m. Hearing Room 1.

Executive Session may follow.

To be considered - HB 1314, HB 1632, HB 1664, HB 1696, HB 1772, HB 1779, HB 1788, HB 1789

MUNICIPAL CORPORATIONS

Wednesday, February 27, 2002, 3:00 p.m. Hearing Room 4.
Executive Session.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 27, 2002, 5:00 p.m. Hearing Room 5.
Presentation by State Board of Accountancy.
To be considered - HB 1743, HB 1796, HB 1808, HB 1835, HB 1843, HB 1844, HB 1869, HB 1871

PUBLIC SAFETY, LAW ENFORCEMENT AND VETERAN AFFAIRS

Tuesday, February 26, 2002, 8:30 a.m. Hearing Room 6.
Executive Session may follow.
To be considered - HB 1758, HB 1822, HCR 21

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Tuesday, February 26, 2002, 8:00 p.m. Hearing Room 6.
Executive Session may follow.
To be considered - HB 1410, HB 1781, HB 1898, HCR 13

SPECIAL COMMITTEE ON SPORTSMANSHIP, SAFETY AND FIREARMS

Wednesday, February 27, 2002. Hearing Room 6 upon adjournment.
Executive Session will follow.
To be considered - HB 1702

TRANSPORTATION

Wednesday, February 27, 2002, 3:00 p.m. Hearing Room 6.
Executive Session to follow.
To be considered - HB 1141, HB 1196, HB 1270, HB 1400, HB 1466, HB 1745

URBAN AFFAIRS

Tuesday, February 26, 2002, 4:00 p.m. Hearing Room 2. AMENDED.
To be considered - HB 1509, HB 1510, HB 1851

WAYS AND MEANS

Tuesday, February 26, 2002. Hearing Room 2 upon morning adjournment.
To be considered - HB 1407, HB 1541, HB 1703, HB 1704, HB 1709, HB 1727, HB 1739, HB 1797

HOUSE CALENDAR

TWENTY-EIGHTH DAY, TUESDAY, FEBRUARY 26, 2002

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

- 1 HCR 24
- 2 HCR 25

HOUSE BILLS FOR SECOND READING

HB 2037 through HB 2040

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1461 & 1470 - Seigfreid
- 2 HCS HB 1202 - Smith
- 3 HCS HB 1069 - Bray
- 4 HB 1594 - Gratz
- 5 HB 1581 - Clayton
- 6 HB 1418, HCA 1 - Barnitz
- 7 HCS HB 1403 - St. Onge
- 8 HCS HB 1817 - Franklin
- 9 HB 1592 - Hickey
- 10 HCS HB 1532 - Hoppe
- 11 HCS HB 1344 & 1944 - Crump

HOUSE BILLS FOR PERFECTION - CONSENT

(2-21-02)

- 1 HB 1477 - Farnen
- 2 HB 1668 - Holt
- 3 HB 1446 - Luetkenhaus
- 4 HB 1078 - Whorton
- 5 HB 1468 - Ward
- 6 HB 1086 - Harlan
- 7 HB 1406 - Barnett
- 8 HB 1402 - Burton

(2-26-02)

- 1 HB 1159 - Boykins
- 2 HB 1214 - Davis
- 3 HB 1624 - Skaggs
- 4 HB 1204 - Seigfreid
- 5 HB 1093 - Relford
- 6 HB 1714 - Hilgemann
- 7 HB 1205 - Seigfreid
- 8 HB 1411 - Skaggs
- 9 HB 1094 - Relford
- 10 HB 1397 - Ransdall
- 11 HB 1391 - Smith
- 12 HB 1272 - Smith

- 13 HB 1412 - Skaggs
- 14 HB 1918 - Koller
- 15 HB 1265 - Gratz
- 16 HB 1242 - Griesheimer
- 17 HB 1075 - Nordwald
- 18 HB 1320 - Reid
- 19 HB 1515 - Burton

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCR 3, (2-21-02, pages 342 & 343) - Hampton
- 2 HCR 15, (2-21-02, pages 343 & 344) - O'Toole

HOUSE JOINT RESOLUTION FOR THIRD READING

HJR 32 - Barry

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1150, 1237 & 1327 - Bray
- 2 HCS HB 1711, E.C. - Graham
- 3 HCS HB 1398, E.C. - Ward
- 4 HS HB 1498 - Johnson (90)
- 5 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 6 HB 1432 - Foley

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1342, E.C. - Farnen
- 2 HB 1381 - Luetkenhaus
- 3 HB 1492 - Seigfreid
- 4 HB 1421 - McKenna
- 5 HB 1375 - Luetkenhaus
- 6 HB 1495 - Seigfreid
- 7 HB 1348 - Myers

SENATE BILLS FOR SECOND READING

- 1 SCS SB 885
- 2 SB 992
- 3 SB 993

BILL CARRYING REQUEST MESSAGE

HCS SS#2 SB 650, (request House recede/grant conference) - Monaco

HOUSE RESOLUTION

HR 150, (2-21-02, page 344) - Vogel