

JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

FOURTEENTH DAY, MONDAY, FEBRUARY 3, 2003

Representative Black in the Chair.

Prayer by Father David Buescher.

Eternal God, You help our hearts warm at the beauty of human love and society's healthy development. You weep with us during tragedies like the one we began to endure two days ago. You are the warp and the woof of our joys and sorrows.

Fill this Chamber again this day and all days with pleasure at all that is fine, and with consolation when all seems hurtful. Give these representatives new resolve this week to work with each other attentively at building an even better society, one of less sadness and more enjoyment for all. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Week, to serve without compensation: Daniel Emery.

The Journal of the thirteenth day was approved as printed.

HOUSE RESOLUTION

Representative Hanaway offered House Resolution No. 238.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 224

through

House Resolution No. 229 - Representative Cunningham (145)

House Resolution No. 230 - Representative Quinn

House Resolution No. 231

through

House Resolution No. 233 - Representative Jetton

House Resolution No. 234 - Representative Morris

House Resolution No. 235 - Representative Mayer

House Resolution No. 236 - Representative Hobbs

House Resolution No. 237 - Representative Munzlinger

House Resolution No. 239 - Representative Ransdall

House Resolution No. 240 - Representative Johnson (61)

House Resolution No. 241 - Representative Dixon

INTRODUCTION OF HOUSE BILLS

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

HB 349, introduced by Representatives Crawford, Sander, Jetton, Barnitz, Crowell, Townley, Dethrow, Munzlinger, Miller, Hobbs, Quinn, Pearce, Dougherty, Myers, Roark, Wright, Self, Baker, Smith (118), Black, Emery, Rector, May, Rupp, Richard, Goodman, Jackson, Wilson (119), Cunningham (145), Mayer, Kingery, Behnen, Cooper (155), Wood, Viebrock, Stevenson, Wallace, Schlottach, Guest, Taylor, Dusenberg, Angst, Morris, Lembke (85), Lipke (157), Luetkemeyer, King, Bearden, Moore, Merideth, Bruns, Kelly (144), Deeken, Parker, Bean, Dempsey, Avery, Wilson (130), Nieves, Shoemaker (8), Wasson, Threlkeld, Ruestman, Dixon, Sager, Kelly (36), Whorton, Kuessner, Ward, Ransdall, Selby, Hampton, Henke, Davis (122), Seigfreid, Salva, McKenna, Green, Harris (110), Shoemyer (9), Bringer and Wagner, et al, relating to concealable weapons.

HB 350, introduced by Representatives Riback Wilson (25), Deeken and Holand, relating to insurance coverage for treatment of chemical dependency.

HB 351, introduced by Representatives Quinn, Shoemaker (8), May, Seigfreid, Wright, Sander and Cunningham (145), et al, relating to boards of directors for industrial development corporations.

HB 352, introduced by Representatives Guest, Dethrow, Townley, Shoemaker (8), Whorton, Myers, Sander and Hobbs, et al, relating to animal research and production facilities.

HB 353, introduced by Representatives Luetkemeyer and Parker, relating to property and casualty insurance guaranty associations.

HB 354, introduced by Representatives Lowe, George, Spreng, Walsh, Darrough, Wildberger and Wilson (42), et al, relating to oversight of public privatization contracts.

SECOND READING OF HOUSE BILLS

HB 324 through **HB 348** were read the second time.

THIRD READING OF HOUSE BILL

HCS HB 185, relating to abducted children, was taken up by Representative Phillips.

On motion of Representative Phillips, **HCS HB 185** was read the third time and passed by the following vote:

AYES: 160

Abel	Adams	Angst	Avery	Baker
Barnitz	Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough	Boykins
Bringer	Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Iceet
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Merideth	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Richard	Roark
Ruestman	Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt	Walker
Wallace	Walsh	Walton	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Miller	Reinhart	Wagner
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Representative Black declared the bill passed.

HOUSE RESOLUTION

HR 180, relating to Ethics Committee Rules of Procedure, was taken up by Representative Crowell.

On motion of Representative Crowell, **HR 180** was adopted by the following vote:

AYES: 160

Abel	Adams	Angst	Avery	Baker
Barnitz	Bean	Bearden	Behnen	Bishop

Bivins	Black	Bland	Bough	Boykins
Bringer	Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Ice
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Merideth	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Richard	Roark
Ruestman	Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
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Townley	Viebrock	Villa	Vogt	Walker
Wallace	Walsh	Walton	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Miller Reinhart Wagner

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

- HCR 3** - Agriculture
- HCR 4** - Rules
- HCR 5** - Agriculture
- HCR 7** - Workforce Development and Workplace Safety
- HCR 9** - Job Creation and Economic Development
- HCR 10** - Job Creation and Economic Development
- HCR 11** - Education

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 154 - Children and Families

COMMITTEE REPORT

Committee on Crime Prevention and Public Safety, Chairman Mayer reporting:

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 198**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND House Bill No. 198, Page 1, Section 544.170, Line 1 of said section, by deleting said section and by inserting in lieu thereof the following:

“544.170. 1. Except as provided in subsection 2 of this section, all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.

2. Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law shall be released from custody within [twenty-four] **thirty** hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:

- (1) First degree murder pursuant to section 565.020, RSMo;
- (2) Second degree murder pursuant to section 565.021, RSMo;
- (3) First degree assault pursuant to section 565.050, RSMo;
- (4) Forcible rape pursuant to section 566.030, RSMo;
- (5) Forcible sodomy pursuant to section 566.060, RSMo;
- (6) First degree robbery pursuant to section 569.020, RSMo; or
- (7) Distribution of drugs pursuant to section 195.211, RSMo.

3. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

4. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.”.

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE
January 31, 2003

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
FIRST REGULAR SESSION

92ND GENERAL ASSEMBLY
STATE OF MISSOURI

Herewith I return to you **House Concurrent Resolution No. 6** entitled:

"AN ACT"

Rejecting the Compensation Schedule of the 2002 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials dated November 27, 2002.

On January 31, 2003, I approved said **House Concurrent Resolution No. 6**.

Respectfully submitted,

/s/ Bob Holden
Governor

The following member's presence was noted: Wagner.

ADJOURNMENT

On motion of Representative Goodman, the House adjourned until 10:00 a.m., Tuesday, February 4, 2003.

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Thursday, February 6, 2003, 9:00 a.m. Hearing Room 1.

Financial report from Accounting. Discussion salary scale for Legislator Assistants.

Update on House ID for incumbents.

AGRICULTURE

Tuesday, February 4, 2003, 12:00 p.m. Hearing Room 1.

AMENDED NOTICE.

Public Hearing to be held on: HB 172, HB 206

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 4, 2003, 8:00 a.m. Hearing Room 4.

Department of Natural Resources and Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 4, 2003, 2:30 p.m. Hearing Room 4.

Department of Natural Resources and Department of Conservation

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 5, 2003, 8:00 a.m. Hearing Room 4.

Department of Natural Resources and Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 5, 2003, 2:30 p.m. Hearing Room 4.

Department of Natural Resources and Department of Conservation

APPROPRIATIONS - EDUCATION

Tuesday, February 4, 2003, 8:00 a.m. Hearing Room 1.

Lincoln, Linn State, University of Missouri, Southeast,
Central Missouri and Community Colleges.

APPROPRIATIONS - EDUCATION

Tuesday, February 4, 2003, 2:30 p.m. Hearing Room 1.

Coordinating Board for Higher Education.

APPROPRIATIONS - EDUCATION

Wednesday, February 5, 2003, 8:00 a.m. Hearing Room 1.

Coordinating Board for Higher Education.

APPROPRIATIONS - EDUCATION

Wednesday, February 5, 2003, 2:30 p.m. Hearing Room 1.

Coordinating Board for Higher Education.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 4, 2003, 2:30 p.m. Hearing Room 7.

AMENDED NOTICE.

Department of Revenue. Judiciary.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 5, 2003, 2:30 p.m. Hearing Room 7.

Office of the State Auditor, Office of the Secretary of State
and Office of the State Treasurer.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 4, 2003, 8:00 a.m. Hearing Room 3.

Department of Mental Health. Public testimony (HB 10).

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 4, 2003, 2:30 p.m. Hearing Room 3.

Department of Mental Health. Public testimony (HB 10).

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 5, 2003, 8:00 a.m. Hearing Room 3.

Department of Mental Health (HB 10).

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES
Wednesday, February 5, 2003, 2:30 p.m. Hearing Room 3.
Department of Mental Health (HB 10).

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES
Thursday, February 6, 2003, 8:15 a.m. Hearing Room 3.
Department of Mental Health (HB 10).

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES
Thursday, February 6, 2003. Hearing Room 3 upon adjournment.
Department of Mental Health (HB 10).

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS
Tuesday, February 4, 2003, 8:00 a.m. Hearing Room 6.
Public Safety.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS
Wednesday, February 5, 2003, 8:00 a.m. Hearing Room 6.
Public Safety and Corrections if time allows.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT
Tuesday, February 4, 2003, 8:00 a.m. Hearing Room 7.
Public testimony.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT
Wednesday, February 5, 2003, 8:00 a.m. Hearing Room 7.
Public testimony from Insurance, Labor & Industrial Relations
and Economic Development. Continued upon a.m. adjournment.

BUDGET
Tuesday, February 4, 2003, 7:30 p.m. Hearing Room 3.
Executive Session may follow.
Public Hearing to be held on: HB 15

BUDGET
Wednesday, February 5, 2003, 7:30 p.m. Hearing Room 3.
Executive Session may follow.
Public Hearing to be held on: HB 15

CHILDREN AND FAMILIES
Tuesday, February 4, 2003, 5:00 p.m. Hearing Room 1.
Public Hearing to be held on: HB 219

COMMUNICATIONS, ENERGY, AND TECHNOLOGY

Tuesday, February 4, 2003, 12:00 p.m. Hearing Room 3.

AMENDED NOTICE.

Public Hearing to be held on: HB 157, HB 208, HB 311

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 5, 2003, 12:00 p.m. Hearing Room 5.

Executive Session may follow.

Public Hearing to be held on: HB 215, HB 218

CORRECTIONS AND STATE INSTITUTIONS

Wednesday, February 5, 2003, 5:00 p.m. Hearing Room 7.

Public Hearing to be held on: HB 93, HB 138, HB 216, HB 278

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 4, 2003, 5:00 p.m. Hearing Room 3.

AMENDED NOTICE.

Public Hearing to be held on: HB 63, HB 163, HB 164, HB 167, HB 168, HB 209

Executive Session to be held on: HB 212, HB 229

ELECTIONS

Tuesday, February 4, 2003, 5:00 p.m. Hearing Room 7.

Public Hearing to be held on: HB 99, HJR 6, HJR 9

ETHICS

Tuesday, February 4, 2003, 5:00 p.m. Hearing Room 4.

Approval of Caucuses.

Executive Session to follow.

FINANCIAL SERVICES

Tuesday, February 4, 2003, 12:00 p.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: HB 73, HB 193, HB 221

HEALTH CARE POLICY

Wednesday, February 5, 2003, 5:00 p.m. Hearing Room 6.

Executive Session may follow.

AMENDED NOTICE.

Public Hearing to be held on: HB 121, HB 156

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, February 5, 2003, 12:00 p.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: HB 277

JUDICIARY

Wednesday, February 5, 2003, 12:00 p.m. Hearing Room 1.
Informational session medical malpractice issues.
Executive Session to be held on: HB 254

LOCAL GOVERNMENT

Thursday, February 6, 2003, 8:30 a.m. Hearing Room 6.
Executive Session may follow.
Public Hearing to be held on: HB 58, HB 97, HB 184, HB 242

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, February 4, 2003, 12:00 p.m. Hearing Room 4.
AMENDED NOTICE.
Public Hearing to be held on: HB 171

RULES

Thursday, February 6, 2003, 8:30 a.m. Hearing Room 5.
Executive Session to follow.
Public Hearing to be held on: HR 36, HR 128

SENIOR SECURITY

Tuesday, February 4, 2003, 5:00 p.m. Hearing Room 6.
Public Hearing to be held on: HB 47, HB 260

SMALL BUSINESS

Wednesday, February 5, 2003, 12:00 p.m. Hearing Room 4.
Public Hearing to be held on: HB 236

TAX POLICY

Tuesday, February 4, 2003, 12:00 p.m. Hearing Room 7.
Executive Session may follow.
Public Hearing to be held on: HB 50, HB 190, HB 191, HB 214

TOURISM AND CULTURAL AFFAIRS

Tuesday, February 4, 2003, 12:00 p.m. Hearing Room 5.
AMENDED NOTICE.
Public Hearing to be held on: HB 245
Executive Session to be held on: HB 144, HB 245

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, February 5, 2003, 12:00 p.m. Hearing Room 7.
AMENDED NOTICE.
Public Hearing to be held on: HB 75, HB 96, HB 160, HB 187, HB 247, HB 265

HOUSE CALENDAR

FIFTEENTH DAY, TUESDAY, FEBRUARY 4, 2003

HOUSE BILLS FOR SECOND READING

HB 349 through HB 354

HOUSE BILLS FOR PERFECTION

HCS HB 288 - Jetton

HB 198, HCA 1 - Stevenson