

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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EIGHTEENTH DAY, MONDAY, FEBRUARY 10, 2003

Representative Myers in the Chair.

Prayer by Father David Buescher.

Another week begins for this legislative body, O Lord. The session has gotten off to a good start, but the challenges are great. Tight finances, budget deficit, policies of education, rising cost of health services, eroding infrastructure on our roads and highways, a down-turned economy, more homeless in our cities, farm-woes, fear of terrorism and the threat of a major war, name only a few.

The thought that You might not be here breeds deep pessimism. With You, however, in heart and mind, let our attitudes be positive, our ideals morally high, and our ideas creative and innovative. May this legislative week begin today, completely in Your grace and friendship. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventeenth day was approved as printed by the following vote:

AYES: 160

|            |            |                |               |            |
|------------|------------|----------------|---------------|------------|
| Abel       | Adams      | Angst          | Avery         | Baker      |
| Barnitz    | Bean       | Bearden        | Behnen        | Bishop     |
| 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         | Icet          | Jackson    |
| Jetton     | Johnson 47 | Johnson 61     | Johnson 90    | Jolly      |
| Jones      | Kelly 144  | King           | Kingery       | Kratky     |
| Kuessner   | Lager      | Lawson         | Lembke        | LeVota     |
| Liese      | Lipke      | Lowe           | Luetkemeyer   | Marsh      |
| May        | Mayer      | McKenna        | Meiners       | Merideth   |
| Miller     | 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       | Wagner     | 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

|        |          |          |
|--------|----------|----------|
| Bivins | Kelly 36 | Reinhart |
|--------|----------|----------|

## HOUSE RESOLUTION

Representative Avery offered House Resolution No. 314.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

|                          |   |                              |
|--------------------------|---|------------------------------|
| House Resolution No. 310 | - | Representative Cooper (120)  |
| House Resolution No. 311 | - | Representative Graham, et al |
| House Resolution No. 312 | - | Representative Wright        |
| House Resolution No. 313 | - | Representative Harris (23)   |
| House Resolution No. 315 | - | Representative Abel          |
| House Resolution No. 316 | - | Representative Schoemehl     |

## INTRODUCTION OF HOUSE JOINT RESOLUTION

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

**HJR 14**, introduced by Representatives Yates, Daus and Villa, et al, relating to the qualifications of representatives.

## INTRODUCTION OF HOUSE BILLS

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

**HB 429**, introduced by Representatives Willoughby and Whorton, et al, relating to school district approval for daily observance of one minute of silence.

**HB 430**, introduced by Representatives Stevenson, Pratt, Byrd, Mayer, Lipke, Carnahan, Johnson (61), Johnson (90), Willoughby and Jolly, et al, relating to the executive council of the judicial conference of the state of Missouri.

**HB 431**, introduced by Representatives Stevenson, Byrd, Mayer, Lipke, Carnahan, Johnson (61), Johnson (90), Willoughby and Jolly, et al, relating to public retirement systems.

**HB 432**, introduced by Representative Wright, relating to certificate of need.

**HB 433**, introduced by Representatives Portwood, Selby, Davis (19), Smith (14), Jones and Stefanick, et al, relating to motor vehicle emissions testing.

**HB 434**, introduced by Representatives Yates, Dusenberg and Pratt, relating to the sale of liquor by the drink in certain convention and trade areas.

**HB 435**, introduced by Representatives Engler, Crawford and Schlottach, relating to required stops at railroad grade crossings.

**HB 436**, introduced by Representatives Harris (110), Shoemyer (9), Schlottach, Myers, Whorton, Townley and Selby, et al, relating to livestock.

### **SECOND READING OF HOUSE BILLS**

**HB 402** through **HB 428** were read the second time.

### **HOUSE RESOLUTIONS**

**HR 36**, relating to use of chamber, was taken up by Representative Morris.

On motion of Representative Morris, **HR 36** was adopted.

**HR 128**, relating to use of chamber, was taken up by Representative Crawford.

On motion of Representative Crawford, **HR 128** was adopted.

### **COMMITTEE REPORTS**

**Committee on Local Government**, Chairman Johnson (47) reporting:

Madam Speaker: Your Committee on Local Government, to which was referred **HB 122** and **HB 80**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Workforce Development and Workplace Safety**, Chairman Hunter reporting:

Madam Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 74**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **COMMITTEE CHANGES**

The Speaker submitted the following Committee changes:

Representative Reinhart is no longer a member of the following committees: Administration and Accounts; Appropriations - Health, Mental Health and Social Services; Budget; Children and Families and Tourism and Cultural Affairs.

Representative Ervin has been appointed to the Administration and Accounts Committee.

Representative Brown has been appointed to the Tourism and Cultural Affairs Committee.

Representative Dusenberg has been appointed to the Appropriations - Health, Mental Health and Social Services Committee.

Representative Yates has been appointed to the Budget Committee.

Representative Stefanick has been appointed to the Children and Families Committee.

Representative Walsh has been appointed to the Joint Committee on Terrorism, Bio-Terrorism and Homeland Security.

Representative Wildberger has been appointed to the Joint Committee on Terrorism, Bio-Terrorism and Homeland Security.

### **ADJOURNMENT**

On motion of Representative Taylor, the House adjourned until 10:00 a.m., Tuesday, February 11, 2003.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Tuesday, February 11, 2003, 12:00 p.m. Hearing Room 1.

Executive Session may follow.

Public Hearing to be held on: HB 257, HCR 3, HCR 5, HR 110

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 11, 2003, 8:00 a.m. Hearing Room 4.

Mark-up. Department of Agriculture, Department of Natural Resources, Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 11, 2003, 2:30 p.m. Hearing Room 4.

Mark-up. Department of Agriculture, Department of Natural Resources,  
Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 12, 2003, 8:00 a.m. Hearing Room 4.

Mark-up. Department of Agriculture, Department of Natural Resources,  
Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 12, 2003, 2:30 p.m. Hearing Room 4.

Mark-up. Department of Agriculture, Department of Natural Resources,  
Department of Conservation.

APPROPRIATIONS - EDUCATION

Tuesday, February 11, 2003, 2:30 p.m. Hearing Room 1.

Executive Session: Mark-up

APPROPRIATIONS - EDUCATION

Tuesday, February 11, 2003, 8:00 a.m. Hearing Room 1.

Public Testimony continued.

Executive Session: Mark-up

APPROPRIATIONS - EDUCATION

Wednesday, February 12, 2003, 2:30 p.m. Hearing Room 1.

Executive Session: Mark-up

APPROPRIATIONS - EDUCATION

Wednesday, February 12, 2003, 8:00 a.m. Hearing Room 1.

Executive Session: Mark-up

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 11, 2003, 2:30 p.m. Hearing Room 7.

Offices of the Attorney General, Governor, Lieutenant Governor,  
Department of Revenue, Public Testimony.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 12, 2003, 2:30 p.m. Hearing Room 7.

General Assembly, Statewide Leasing, Department of Revenue  
and possible Mark-up.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 11, 2003, 8:00 a.m. Hearing Room 3.

Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Tuesday, February 11, 2003, 2:30 p.m. Hearing Room 3.  
Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Wednesday, February 12, 2003, 8:00 a.m. Hearing Room 3.  
Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Wednesday, February 12, 2003, 2:30 pm. Hearing Room 3.  
Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Thursday, February 13, 2003, 8:15 a.m. Hearing Room 3.  
Department of Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Thursday, February 13, 2003. Hearing Room 3 upon morning adjournment.  
Department of Social Services.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS  
Tuesday, February 11, 2003, 8:00 a.m. Hearing Room 6.  
Public Safety presentation continued. Begin Corrections presentation.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS  
Wednesday, February 12, 2003, 8:00 a.m. Hearing Room 6.  
Corrections presentation continued. Begin Mark-up, if time permits.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS  
Wednesday, February 12, 2003, 2:30 p.m. Hearing Room 6.  
Corrections presentation continued. Mark-up, if time permits.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Tuesday, February 11, 2003, 8:00 a.m. Hearing Room 7.  
AMENDED NOTICE  
Economic Development and Transportation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Wednesday, February 12, 2003, 8:00 a.m. Hearing Room 7.  
Transportation or Mark-up.

BUDGET  
Tuesday, February 11, 2003, 7:30 p.m. Hearing Room 3.  
Possible Executive Session.  
Public Hearing to be held on: HB 15

BUDGET

Wednesday, February 12, 2003, 7:30 p.m. Hearing Room 3.

AMENDED NOTICE

Possible Executive Session on HB 15.

Public Hearing to be held on: HB 286, HB 303

CHILDREN AND FAMILIES

Tuesday, February 11, 2003, 5:00 p.m. Hearing Room 1.

Public Hearing to be held on: HB 154, HB 396

COMMUNICATIONS, ENERGY, AND TECHNOLOGY

Tuesday, February 11, 2003, 12:00 noon. Hearing Room 3.

Public Hearing to be held on: HB 142

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 12, 2003, 12:00 noon. Hearing Room 1.

AMENDED NOTICE

Executive Session may follow.

Public Hearing to be held on: HB 215, HB 218, HB 226, HJR 7

CORRECTIONS AND STATE INSTITUTIONS

Wednesday, February 12, 2003, 5:00 p.m. Hearing Room 7.

Executive Session may follow.

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

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 11, 2003, 5:00 p.m. Hearing Room 3.

Public Hearing to be held on: HB 63, HB 113, HB 165, HB 255

Executive Session to be held on: HB 91

EDUCATION

Wednesday, February 12, 2003, 5:00 p.m. Hearing Room 3.

Executive Session may follow.

Public Hearing to be held on: HB 51, HB 320, HB 362

ELECTIONS

Tuesday, February 11, 2003, 5:00 p.m. Hearing Room 7.

Public Hearing to be held on: HB 104, HB 133, HB 159

Executive Session to be held on: HB 99, HJR 6, HJR 9

ETHICS

Tuesday, February 11, 2003, 5:00 p.m.

Third District Congressional Democratic Caucus and  
Green County Caucus.

Executive Session may follow.

#### FINANCIAL SERVICES

Tuesday, February 11, 2003, 12:00 p.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: HB 243, HB 259, HB 314

Executive Session to be held on: HB 73, HB 193, HB 221

#### HEALTH CARE POLICY

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

Public Hearing to be held on: HB 59, HB 202, HB 233, HB 269

Executive Session to be held on: HB 112

#### HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, February 11, 2003, 5:00 p.m. Hearing Room 5.

Executive Session will follow.

Public Hearing to be held on: HB 271, HB 307

#### JOB CREATION AND ECONOMIC DEVELOPMENT

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

Executive Session to be held on: HB 228

#### JUDICIARY

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

Public Hearing to be held on: HB 253, HB 273

#### LOCAL GOVERNMENT

Thursday, February 13, 2003, 8:30 a.m. Hearing Room 6.

#### AMENDED NOTICE

Executive Session may follow.

Public Hearing to be held on: HB 267, HB 268, HB 292, HB 294

#### PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, February 11, 2003, 12:00 p.m. Hearing Room 4.

Public Hearing to be held on: HB 82, HB 390

#### SENIOR SECURITY

Tuesday, February 11, 2003, 5:00 p.m. Hearing Room 6.

#### AMENDED NOTICE

Public Hearing to be held on: HB 37

Executive Session to be held on: HB 47

#### SMALL BUSINESS

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

Public Hearing to be held on: HB 322



**SPECIAL COMMITTEE ON BONDING AUTHORITY**

Tuesday, February 11, 2003. Hearing Room 2 upon morning adjournment.

Executive Session may follow.

Public Hearing to be held on: HB 401

**TAX POLICY**

Tuesday, February 11, 2003, 12:00 p.m. Hearing Room 7.

**AMENDED NOTICE**

Executive Session may follow.

Public Hearing to be held on: HB 263, HB 345, HB 398

**TOURISM AND CULTURAL AFFAIRS**

Tuesday, February 11, 2003, 12:00 p.m. Hearing Room 5.

Public Hearing to be held on: HB 222

Executive Session to be held on: HB 245

**TOURISM AND CULTURAL AFFAIRS**

Thursday, February 13, 2003, 9:00 a.m. House Lounge.

Joint meeting with Senate Economic Development,

Tourism and Local Government Committee.

**TRANSPORTATION AND MOTOR VEHICLES**

Wednesday, February 12, 2003, 12:00 p.m. Hearing Room 7.

Possible Executive Session on: HB 75, HB 96, HB 160, HB 187, HB 265

Public Hearing to be held on: HB 162, HB 170, HB 251, HB 283, HB 284

**HOUSE CALENDAR**

NINETEENTH DAY, TUESDAY, FEBRUARY 11, 2003

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 14

**HOUSE BILLS FOR SECOND READING**

HB 429 through HB 436

**HOUSE BILLS FOR PERFECTION**

HCS HB 288 - Jetton

HCS HB 122 & 80 - Johnson (47)

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 74 - St. Onge