

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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FORTY-THIRD DAY, MONDAY, MARCH 31, 2003

Representative May in the Chair.

Prayer by Dr. James Johnston, Pastor, Morse Mill Baptist Church.

Our gracious and kind heavenly Father, I praise You for Your mercy and grace that You lovingly extend to us through our Lord Jesus Christ. Because You are Lord of this nation, help us to trust and live according to Your will in righteousness and justice. I pray for Your watch and care over our men and women as they are engaged in Operation Iraqi Freedom. I thank You for those who stand in harm's way in order to gain freedom for the Iraqi people and to preserve and protect us from terrorist's attacks at home and abroad.

I pray for Your guidance, wisdom, courage, and strength for our state legislators as they make decisions that will affect our state. I pray that You will be with their families while they are away from home.

Dear Lord, please help us to be good managers of Your beautiful world that You created. And please help us to protect the innocent and defenseless unborn children, many of whom are in more danger of their lives than our own soldiers in combat.

Please help our nation to return to the godly principles upon which it was founded, before You have to send judgment upon us as You have other nations in the past who have forgotten You.

Again, I pray Your special blessings and guidance upon these state legislators as they meet. Dear Lord, help us all to surrender our lives to You so that we may be instruments in Your hands to bring revival to our nation.

In Jesus name. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the forty-second day was approved as corrected by the following vote:

AYES: 155

Abel	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	Dougherty	Dusenberg
El-Amin	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	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	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Quinn	Ransdall	Rector	Reinhart	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	Wilson 119
Wilson 130	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 003

Donnelly Willoughby Wilson 25

PRESENT: 000

ABSENT WITH LEAVE: 005

Adams Haywood Kelly 36 Moore Purgason

## HOUSE RESOLUTION

Representative Hanaway offered House Resolution No. 1086.

## HOUSE CONCURRENT RESOLUTION

Representative Brown, et al, offered House Concurrent Resolution No. 29.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 1039 - Representative Schneider
- House Resolution No. 1040 - Representative Goodman
- House Resolution No. 1041 - Representative Wilson (130)
- House Resolution No. 1042 - Representative Deeken
- House Resolution No. 1043 - Representative Walker
- House Resolution No. 1044 through
- House Resolution No. 1047 - Representative Sanders Brooks
- House Resolution No. 1048 - Representative Behnen
- House Resolution No. 1049 - Representative Engler
- House Resolution No. 1050 - Representative Munzlinger

House Resolution No. 1051  
through  
House Resolution No. 1057 - Representative Hobbs  
House Resolution No. 1058 - Representative George  
House Resolution No. 1059 - Representative Hanaway  
House Resolution No. 1060  
through  
House Resolution No. 1073 - Representative Stefanick  
House Resolution No. 1074  
and  
House Resolution No. 1075 - Representative Goodman  
House Resolution No. 1076 - Representative Sanders Brooks  
House Resolution No. 1077 - Representative Rector  
House Resolution No. 1078 - Representative Bruns  
House Resolution No. 1079  
and  
House Resolution No. 1080 - Representative Cooper (120)  
House Resolution No. 1081  
through  
House Resolution No. 1084 - Representative Kratky  
House Resolution No. 1085 - Representative Shoemaker (8)  
House Resolution No. 1087  
through  
House Resolution No. 1142 - Representative Black  
House Resolution No. 1143  
through  
House Resolution No. 1149 - Representative Jetton  
House Resolution No. 1150 - Representatives Hunter and Ruestman  
House Resolution No. 1151 - Representative Johnson (61)  
House Resolution No. 1152 - Representative Selby  
House Resolution No. 1153 - Representative Lager  
House Resolution No. 1154 - Representatives Harris (110) and Kuessner  
House Resolution No. 1155 - Representative Schoemehl  
House Resolution No. 1156 - Representative Lager  
House Resolution No. 1157 - Representative Wright

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 28**, introduced by Representative Lager, relating to the designation of the William "Bill" Lark Memorial Highway.

### INTRODUCTION OF HOUSE BILLS

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

**HB 709**, introduced by Representatives Brown, Dusenberg, Ervin, Yates, Phillips, Reinhart and Dougherty, et al, relating to police officers.

**HB 710**, introduced by Representatives Bruns and Wildberger, relating to workers' compensation.

### SECOND READING OF HOUSE BILLS

**HB 706** through **HB 708** were read the second time.

### SECOND READING OF SENATE BILLS

**SB 207**, **SS SCS SB 264** and **SS SCS SB 298** were read the second time.

### PERFECTION OF HOUSE BILL

**HCS HB 380**, relating to securities regulation, was taken up by Representative Byrd.

Representative Harris (23) offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 380, Page 52, Section 409.6-603, Line 19, by deleting the word “ten” and substituting in lieu thereof the word “**fifteen**”; and

Further amend on Line 20, by deleting the words “one million” and inserting in lieu thereof the words “**one and one-half million**”; and

Further amend title, enacting clause and intersectional references accordingly.

Representative Johnson (90) offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

#### *House Substitute Amendment No. 1*

*for*

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 380, Page 52, Section 409.6-603, Line 19, by deleting the word “ten” and inserting in lieu thereof the word “**twenty**”; and

Further amend on Line 20, by deleting the words “one million” and inserting in lieu thereof the words “**two million**”; and

Further amend title, enacting clause and intersectional references accordingly.

Representative Johnson (90) moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 065

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122
Donnelly	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Henke	Hilgemann
Johnson 61	Johnson 90	Jolly	Jones	Kratky
Kuessner	LeVota	Liese	Lowe	McKenna
Meiners	Muckler	Page	Ransdall	Sager
Salva	Schoemehl	Seigfreid	Selby	Shoemaker
Shoemyer	Skaggs	Spreng	Thompson	Villa
Vogt	Wagner	Walker	Walsh	Walton
Ward	Whorton	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

NOES: 089

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dixon	Dougherty	Dusenberg	Emery	Engler
Ervin	Fares	Goodman	Guest	Hobbs
Holand	Hoskins	Hubbard	Hunter	Iceet
Jackson	Jetton	Johnson 47	Kelly 144	King
Kingery	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Merideth	Miller
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 009

Adams	Dempsey	Dethrow	El-Amin	Haywood
Kelly 36	Lawson	Moore	Taylor	

Representative Harris (23) moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Barnitz	Bishop	Bland	Boykins	Bringer
Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
El-Amin	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kratky	Kuessner	LeVota	Liese
Lowe	McKenna	Meiners	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemaker	Shoemyer	Skaggs	Spreng
Thompson	Villa	Vogt	Wagner	Walker
Walsh	Walton	Ward	Whorton	Wildberger
Willoughby	Wilson 25	Wilson 42	Witte	Yaeger
Young	Zweifel			

NOES: 089

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Engler	Ervin	Fares	Guest
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Merideth	Miller	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sander	Schaaf	Schlottach	Schneider
Self	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 007

Abel	Adams	Goodman	Haywood	Kelly 36
Lawson	Moore			

Representative Sager offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 380, Page 51, Section 409.6-602, Line 55, by inserting after said line the following;

**“Upon application of the individual to the circuit court of any county of the state or the city of St. Louis, or a court of another state to enforce compliance. The testimony, record, or other evidence compelled under such**

**an order shall be sealed. If the order to seal the record is violated, the violator shall be subject to civil and criminal penalties for contempt of court."**

Representative Sager moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Byrd, **HCS HB 380** was adopted.

On motion of Representative Byrd, **HCS HB 380** was ordered perfected and printed.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 29** - Homeland Security and Veterans Affairs

### **MESSAGE FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 427**, entitled:

An act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

In which the concurrence of the House is respectfully requested.

### **MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE  
March 21, 2003

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
FIRST REGULAR SESSION  
92ND GENERAL ASSEMBLY  
STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Bill No. 15** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.





Subscribed and sworn to before me this 31st day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
\_\_\_\_\_

I, State Representative Ed Wildberger, District 27, hereby state and affirm that my vote as recorded on Page 827 of the House Journal for Thursday, March 20, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 31st day of March 2003.

/s/ Ed Wildberger  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 31st day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
\_\_\_\_\_

I, State Representative Christopher Shoemaker, District 8, hereby state and affirm that my vote as recorded on Page 829 of the House Journal for Thursday, March 20, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 31st day of March 2003.

/s/ Christopher Shoemaker  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole             )

Subscribed and sworn to before me this 31st day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk  
\_\_\_\_\_

I, State Representative Larry Taylor, District 68, hereby state and affirm that my vote as recorded on Page 829 of the House Journal for Thursday, March 20, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 31st day of March 2003.

/s/ Larry Taylor  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 31st day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative Mark Wright, District 137, hereby state and affirm that my vote as recorded on Page 829 of the House Journal for Thursday, March 20, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 31st day of March 2003.

/s/ Mark Wright  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 31st day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

\_\_\_\_\_

I, State Representative John Burnett, District 40, hereby state and affirm that my vote as recorded on Page 831 of the House Journal for Thursday, March 20, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 31st day of March 2003.

/s/ John Burnett  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 31st day of March in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Tuesday, April 1, 2003, 12:00 p.m. Hearing Room 1.  
Possible Executive Session.  
Public Hearing to be held on: HB 457, HB 494, HB 638

### **AGRICULTURE**

Wednesday, April 2, 2003, 8:00 a.m. Hearing Room 1.  
Possible Executive Session.  
Public Hearing to be held on: HB 436, SB 36, SB 84

### **BUDGET**

Tuesday, April 1, 2003, 8:00 a.m. Hearing Room 3.  
Executive Session may follow.  
Public Hearing to be held on: HB 52, HB 134, HB 158, HB 652, HJR 3

### **CHILDREN AND FAMILIES**

Tuesday, April 1, 2003, 5:00 p.m. Hearing Room 1.  
Executive Session may follow on HB 396 and HB 679.  
Public Hearing to be held on: HB 679

### **CONSERVATION AND NATURAL RESOURCES**

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 5.  
Executive Session may follow.  
Public Hearing to be held on: HB 447, HB 620, HJR 20

### **CRIME PREVENTION AND PUBLIC SAFETY**

Tuesday, April 1, 2003, 5:00 p.m. Hearing Room 3.  
Executive Session may follow.  
Public Hearing to be held on: HB 227, HB 411, HB 538, HB 539, HB 567, HB 656  
Executive Session to be held on: HB 471

### **ELECTIONS**

Tuesday, April 1, 2003, 5:00 p.m. Hearing Room 7.  
Executive Session will precede the hearing.  
Public Hearing to be held on: HB 544, HB 577, HB 657, SB 57  
Executive Session to be held on: HB 537, SB 29, SB 50

### **ETHICS**

Tuesday, April 1, 2003, 5:00 p.m. Hearing Room 4.  
MO Democrats for Life, Friends of CMSU, NCOIL and 2nd Congressional District Caucuses.

FINANCIAL SERVICES

Tuesday, April 1, 2003, 12:00 p.m. Hearing Room 6.

Possible Executive Session on HB 559.

Public Hearing to be held on: HB 460, HB 616

HOMELAND SECURITY AND VETERANS AFFAIRS

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

Executive Session may follow.

Public Hearing to be held on: HB 632, HCR 19, SB 325

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 6.

Public Hearing to be held on: HB 569, SB 310

JUDICIARY

Wednesday, April 2, 2003, 8:00 a.m. Hearing Room 6. AMENDED NOTICE

Public Hearing to be held on: HB 98, HB 213, HB 373, HB 382,

HB 504, HB 593, SB 203

Executive Session to be held on: HB 44, HB 98, HB 105, HB 213, HB 373,

HB 500, HB 504, HB 593, SB 203

JUDICIARY

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 1.

Committee will take up any bills that were not completed at the 8:00 a.m. hearing.

LOCAL GOVERNMENT

Thursday, April 3, 2003, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 14, SB 68, SB 130, SB 218, SB 282, SB 383

PROFESSIONAL REGISTRATION AND LICENSING

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

Public Hearing to be held on: HB 509, HB 522, HB 646

SENIOR SECURITY

Tuesday, April 1, 2003, 5:00 p.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: HB 540, SB 391

SMALL BUSINESS

Wednesday, April 2, 2003. 12:00 p.m. or upon morning recess. Hearing Room 4.

Executive Session may follow.

Public Hearing to be held on: HB 480

**TOURISM AND CULTURAL AFFAIRS**

Tuesday, April 1, 2003, 12:00 p.m. Hearing Room 3.

Public Hearing to be held on: HB 631

**TRANSPORTATION AND MOTOR VEHICLES**

Wednesday, April 2, 2003, 12:00 p.m. Hearing Room 7.

Public Hearing to be held on: HB 466, HB 614, SB 289, SB 314

**HOUSE CALENDAR**

**FORTY-FOURTH DAY, TUESDAY, APRIL 1, 2003**

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 28

**HOUSE BILLS FOR SECOND READING**

HB 709 and HB 710

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 132, 173, 117 & 48 - Wright
- 2 HCS HB 346 & 174 - Dempsey
- 3 HB 511 - Deeken
- 4 HB 267 - Smith (118)
- 5 HCS HB 215, 218, 115 & 83 - Myers
- 6 HCS HB 190 & 214 - Fares
- 7 HCS HB 51 - Mayer
- 8 HCS HB 387 - Pearce
- 9 HCS HB 109 & 34 - Fares
- 10 HCS HB 404, 324, 403, 344, 426 & 541 - Rector
- 11 HB 263 - Cooper (120)
- 12 HB 470 - Mayer
- 13 HB 668, HCAs 1, 2, 3, 4, 5, 6, 7 & 8 - Crawford
- 14 HB 182 - May
- 15 HB 444 - Jackson

**HOUSE BILL FOR THIRD READING**

HS HCS HB 517, 94, 149, 150 & 342, E.C. (Budget 3-10-03) - Portwood

**SENATE BILL FOR SECOND READING**

SCS SB 427

**SENATE BILL FOR THIRD READING**

SCS SB 299 & 40 - Bearden