JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

FORTY-NINTH DAY, WEDNESDAY, APRIL 9, 2003

Speaker Pro Tem Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we humbly approach You today on the basis of Your word, which says, "I will bless the Lord, who has given me counsel". For You give wisdom and out of Your mouth comes knowledge and understanding.

We are grateful that You guard the path of justice and preserve our way. Help us to discern righteousness, justice, fairness and every good way.

Father even as You have commanded light to shine out of darkness, may the light of understanding and truth shine in our hearts.

May You also continue to hold our families in Your hands and near Your heart as we serve apart from them.

Now may the grace of our Lord and the love of God be with us all.

To You be the glory, both now and forever. In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jacob Byrne, A.J. Bilyeu, Dominique Truelove, Tiffany Kanatzar, Jessica Etim, Andrew Lambur, Tamara Rice, Molly Starkey, Kari Salmon, Samantha Dobson, Ian Mackey, Cody Hinkle, Nick Mosley, Mark Pickerel, Ray Hickman, Jason Swann, Syeeda Fatima Hasan, Courtney Kozlowski and Tony Hernandez.

The Journal of the forty-eighth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1612 - Representative Lipke

House Resolution No. 1613 - Representative King, et al

House Resolution No. 1614

through

House Resolution No. 1655 - Representative Moore

House Resolution No. 1656

through

House Resolution No. 1669 - Representative Stefanick

House Resolution No. 1670

through

House Resolution No. 1683 - Representative Davis (19)

House Resolution No. 1684 - Representative Avery

House Resolution No. 1685 - Representative Bean

House Resolution No. 1686 - Representative Johnson (61)

House Resolution No. 1687 -

through

House Resolution No. 1689 - Representatives Harris (110) and Abel

House Resolution No. 1690 - Representative Harris (110)

House Resolution No. 1691 - Representative Lembke

House Resolution No. 1692 - Representative Kingery

House Resolution No. 1693 - Representative Bearden

House Resolution No. 1694 - Representative Salva

SECOND READING OF HOUSE BILLS

HB 732 through **HB 735** were read the second time.

SECOND READING OF SENATE BILL

SS#2 SCS SB 481, as amended, was read the second time.

PERFECTION OF HOUSE BILL

HCS HBs 679 & 396, relating to foster care, was taken up by Representative Hanaway.

Representative Hanaway offered HS HCS HBs 679 & 396.

Representative Hanaway offered House Amendment No. 1.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 36, Section 210.112, Line 14 of said page, by deleting all of said line and inserting in lieu thereof the following: "2006."; and

Further amend said bill, Page 38, Section 210.145, Line 4 of said page, by inserting after the word "all" the phrase "child abuse and neglect"; and

Further amend said bill, Page 38, Section 210.145, Line 6 of said page, by inserting after the word "All" the phrase "child abuse and neglect"; and

Further amend said bill, Page 39, Section 210.145, Line 17 of said page, by deleting the words "face-to-fact" and inserting in lieu thereof the words "face-to-face"; and

Further amend said bill, Page 41, Section 210.145, Line 12 of said page, by deleting all of said line and inserting in lieu thereof the following:

"are not the alleged abusers[, the parents] and the abuse is alleged to have occurred in a school or child care

facility, a parent of the child"; and

Further amend said bill, Page 49, Section 210.152, Lines 4 to 6 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"five years from the date of the report; except that, if no evidence of abuse or neglect is found by the division, no identifying information shall be retained by the division. For"; and

Further amend said bill, Page 49, Section 210.152, Lines 10 to 12 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"report; except that, if no evidence of abuse or neglect is found by the division, no identifying information shall be retained by the division. Such report shall include any exculpatory"; and

Further amend said bill, Page 61, Section 210.187, Line 9 of said page, by deleting the word "and"; and

Further amend said bill, Page 61, Section 210.187, Line 14 of said page, by deleting the period "." and inserting in lieu thereof the following:

"; and

_____(13) The number of children in foster care who have been adopted."; and

Further amend said bill, Page 76, Section 211.032, Line 15 of said page, by deleting the words "transferring school" and inserting in lieu thereof the phrase "school that the child is transferring to"; and

Further amend said bill, Pages 76 and 77, Section 211.059, Lines 24 and 25 of Page 76 and Lines 1 to 12 of Page 77, by deleting all of said lines and inserting in lieu thereof the following:

"211.059. 1. When a child is taken into custody by a juvenile officer"; and

Further amend said bill, Page 78, Section 211.059, Line 2 of said page, by deleting the numbers "[2.] 3." and inserting in lieu thereof the number "2."; and

Further amend said bill, Page 90, Section 211.321, Line 2 of said page, by deleting all of said line and inserting in lieu thereof the following:

"5. For juvenile court proceedings described in subsection 1 of this section, pleadings and orders of the juvenile court other than"; and

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

Representative Sager offered House Amendment No. 1 to House Amendment No. 1.

House Amendment No. 1 to House Amendment No. 1

AMEND House Amendment No. 1 to House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Pages 20-68, by adding at the end of amendment:

Page 20, Line 5, add after "if a" probable cause; Line 6 remove [by a preponderance of the evidence]; and

Page 20, Line 22, add after "has had a" probable cause; Line 23 remove [by a preponderance of the evidence];

and

Page 25, Line 23, add after "found" **probable cause to believe**; remove [by a preponderance of the evidence]; and

Page 50, Lines 6 and 7, add after "determined that" there is a probable cause to suspect; delete [by a preponderance of the evidence]; and

Page 57, Line 3, add after "insufficient" **probable cause to believe**; Line 4 remove [evidence to prove by a preponderance of the evidence that]; and

Page 56, Line 22, add after "finds" there is probable cause to believe; Line 23, remove [by a preponderance of the evidence that]; and

Page 66, Line 19, add after "(2)" probable cause; remove [by a preponderance of the evidence]; and

Page 67, Line 12, add after "if a" probable cause; Line 13, remove [by a preponderance of the evidence]; and

Page 68, Line 14, add after "listings" probable cause.

Representative Sager moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

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

Representative Wright offered House Amendment No. 2.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 48, Section 210.147, Line 4 of said page, by inserting after the number "210.147." the number "1."; and

Further amend said bill, Page 48, Section 210.147, Line 16 of said page, by inserting after all of said line the following:

"2. All meetings and hearings held in relation to the removal of a child from the child's home by a juvenile officer or the division shall be recorded through the use of either audiotape or videotape equipment, or both, as determined by the division, and shall be transcribed by the division at the expense of the requesting party upon order of a court of competent jurisdiction. Any parent of a child that is the subject of such meetings and hearings may record such meetings and hearings or request a copy of the recording made by the division pursuant to this section. The division shall maintain the such recorded material for a period of six months after the case that is the subject of such meetings and hearings is closed by the division. Such information, except for identifying information and information mutually agreed upon to be confidential, shall be considered a public record."; and

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

Representative Burnett offered House Amendment No. 1 to House Amendment No. 2.

House Amendment No. 1 to House Amendment No. 2 was withdrawn.

Representative Stevenson offered House Substitute Amendment No. 1 for House Amendment No. 2.

House Substitute Amendment No. 1 for House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 48, Section 210.147, Line 4 of said page, by inserting after the number "210.147." the number "1."; and

Further amend said bill, Page 48, Section 210.147, Line 16 of said page, by inserting after all of said line the following:

"2. All meetings and hearings held in relation to the removal of a child from the child's home by a juvenile officer or the division may be recorded by the child, parent or any party through the use of either audiotape or videotape equipment, or both, and shall be transcribed by the division at the expense of the requesting party upon order of a court of competent jurisdiction. Any parent of a child that is the subject of such meetings and hearings may record such meetings and hearings or request a copy of the recording made by the division pursuant to this section. The division shall maintain the such recorded material for a period of six months after the case that is the subject of such meetings and hearings is closed by the division. Such information, except for identifying information and information mutually agreed upon to be confidential, shall be considered a public record."; and

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

Representative Burnett offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 2**.

House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 2

AMEND House Substitute Amendment No. 1 for House Amendment No. 2 to House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 2, Lines 3-5, by deleting all of said lines prior to the semi-colon on Line 5 and inserting in lieu thereof the following:

"Such information shall be considered confidential, unless a court enters an order authorizing the public disclosure of such information.".

On motion of Representative Burnett, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

On motion of Representative Stevenson, **House Substitute Amendment No. 1 for House Amendment No. 2, as amended**, was adopted.

Representative Jolly offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 67, Section 210.903, Line 8, by inserting at the end of said line the following:

"; and

(8) As of January 1, 2004, a check of the patrol's Missouri Uniform Law Enforcement System (MULES) for sexual offender registrations pursuant to section 589.400, RSMo"; and

Further amend said substitute, Page 68, Section 210.909, Line 9, by inserting at the end of said line the following:

"; and

(7) As of January 1, 2004, determine through a request to the patrol of the applicant is a registered sexual offender pursuant to section 589.400, RSMo, listed in the Missouri Uniform Law Enforcement System (MULES)."; and

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

On motion of Representative Jolly, **House Amendment No. 3** was adopted.

HCS HBs 679 & 396, with HS, as amended, pending, was laid over.

On motion of Representative Crowell, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Hanaway.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1695

and

House Resolution No. 1696 - Representative Munzlinger

House Resolution No. 1697 - Representative Holand

House Resolution No. 1698 - Representative Nieves

House Resolution No. 1699 - Representatives Nieves and Threlkeld

House Resolution No. 1700 - Representative Pratt

House Resolution No. 1701 - Representatives Fraser and Donnelly

House Resolution No. 1702 - Representative Engler

House Resolution No. 1703 - Representative Sager

INTRODUCTION OF HOUSE BILLS

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

HB 736, introduced by Representative Riback Wilson (25), relating to subrogation rights of public entities.

HB 737, introduced by Representative Riback Wilson (25), relating to the criminal justice system.

HB 738, introduced by Representative Bringer, relating to designation of certain highways.

HB 739, introduced by Representatives Viebrock, Dixon, Schlottach, Morris, Merideth, Davis (19), Bough, Wilson (119), Lembke and Stevenson, et al, relating to the special needs child adoption tax credit.

Speaker Pro Tem Jetton resumed the Chair.

PERFECTION OF HOUSE BILL

HCS HBs 679 & 396, with HS, as amended, pending, relating to foster care, was again taken up by Representative Hanaway.

Representative Wright offered House Amendment No. 4.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 4, Section 207.085, Line 13 of said page, by inserting after all of said line the following:

"2. Any person who violates the provisions of subsection 1 of this section shall be subject to criminal liability for endangering the welfare of a child under section 568.050, RSMo, and may be subject to additional criminal liability based on the specific circumstances of the violation." and renumber remaining subsections accordingly; and

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

On motion of Representative Wright, **House Amendment No. 4** was adopted.

Representative Smith (118) offered House Amendment No. 5.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 101, Section 3, Line 15, by inserting after all of said line the following:

"[207.050. In every county there shall be established a county family services commission to consist of four persons, two from each of the two major political parties, to be selected by the director of social services from a list submitted to the director of the department of social services by the county commission, consisting of double the number of appointments to be made. Each member of the county family services commission shall serve for a term of four years. Vacancies shall be filled in the same way in which the original appointment was made. If the county commission fails or refuses to submit a list to the director of social services as required by this section for the appointment of members of the county family services commission within ten days after such appointments are to be made the director of social services shall make such appointments as may be necessary from a list prepared by the director of social services. The duties of the county family services commission shall be advisory in nature with the power to examine the records of any

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case pending within their county and to make recommendations thereon. They shall serve without compensation, but shall be paid their traveling expenses and other necessary expense in the performance of their duty. No elective officer shall be appointed as a member of the county family services commission, and upon becoming a candidate for any elective office, such member of the county family services commission shall forthwith forfeit his position on the commission. Duties imposed by this law upon the several county commissions shall be performed in the city of St. Louis by the board of estimate and apportionment.]"; and

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

On motion of Representative Smith (118), **House Amendment No. 5** was adopted.

Representative Viebrock offered **House Amendment No. 6**.

Representative Abel raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Goodman offered House Amendment No. 7.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 10, Section 208.152, Line 16 of said page, by deleting all of said line and inserting in lieu thereof the following:

"as an eligible system of care provider, or as an organization licensed as defined in subdivision (6) of section 210.481, RSMo."; and

Further amend said bill, Page 97, Section 630.097, Line 9 of said page, by inserting after the word "justice" the following:

"and organizations licensed as defined in subdivision (6) of section 210.481, RSMo"; and

Further amend said bill, Page 97, Section 630.097, Line 18 of said page, by deleting the word "justice" and inserting in lieu thereof the following:

"justice; an organization licensed pursuant to subsection (6) of section 210.481, RSMo;"; and

Further amend said bill, Page 97, Section 630.097, Line 20 of said page by deleting the word "may" and inserting in lieu thereof the word "shall"; and

Further amend said bill, Page 99, Section 630.097, Line 16 of said page, by inserting after all of said line the following:

"630.210. 1. The director shall determine the maximum amount for services which shall be charged in each of the residential facilities, day programs or specialized services operated or funded by the department for full-time or part-time inpatient, resident or outpatient evaluation, care, treatment, habilitation, rehabilitation or other service rendered to persons affected by mental disorder, mental illness, mental retardation, developmental disability or drug or alcohol abuse. The maximum charge shall be related to the per capita inpatient cost or actual outpatient evaluation or other service costs of each facility, program or service, which may vary from one locality to another. The director shall promulgate rules setting forth a reasonable standard means test which shall be applied by all facilities, programs and services operated or funded by the department in determining the amount to be charged to persons receiving services. The department shall pay, out of funds appropriated to it for such purpose, all or part of the costs for the evaluation, care,

treatment, habilitation, rehabilitation or room and board provided or arranged by the department for any patient, resident or client who is domiciled in Missouri and who is unable to pay fully for services.

- 2. The director shall apply the standard means test annually and may make application of the test upon his own initiative or upon request of an interested party whenever evidence is offered tending to show that the current support status of any patient, resident or client is no longer proper. Any change of support status shall be retroactive to the date of application or request for review. If the persons responsible to pay under section 630.205 or 552.080, RSMo, refuse to cooperate in providing information necessary to properly apply the test or if retroactive benefits are paid on behalf of the patient, resident or client, the charges may be retroactive to a date prior to the date of application or request for review. The decision of the director in determining the amount to be charged for services to a patient, resident or client shall be final. Appeals from the determination may be taken to the circuit court of Cole County or the county where the person responsible for payment resides in the manner provided by chapter 536, RSMo.
- 3. The department shall not pay for services provided to a patient, resident or client who is not domiciled in Missouri unless the state is fully reimbursed for the services; except that the department may pay for services provided to a transient person for up to thirty days pending verification of his domiciliary state, and for services provided for up to thirty days in an emergency situation. The director shall promulgate rules for determination of the domiciliary state of any patient, resident or client receiving services from a facility, program or service operated or funded by the department.
- 4. Whenever a patient, resident or client is receiving services from a residential facility, day program or specialized service operated or funded by the department, and the state, county, municipality, parent, guardian or other person responsible for support of the patient, resident or client fails to pay any installment required to be paid for support, the department or the residential facility, day program or specialized service may discharge the patient, resident or client as provided by chapter 31, RSMo. The patient, resident or client shall not be discharged under this subsection until the final disposition of any appeal filed under subsection 2 of this section.
- 5. The standard means test shall be waived for a child in need of mental health services to avoid inappropriate custody transfers to the division of family services."; and

Further amend said bill, Page 99, Section 1, Lines 17 and 18, of said page by deleting the words "division of family services, or its successor division," and inserting in lieu thereof the following:

"department of social services"; and

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

On motion of Representative Goodman, House Amendment No. 7 was adopted.

Representative Dougherty offered House Amendment No. 8.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 23, Section 210.109, Lines 18 to 23 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"(3) [Attempt to] Obtain the name [and], address, and a officially recognized identification number which can be readily verified of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect[, although reports may be made anonymously];"; and

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

Representative Dougherty moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Zweifel offered House Amendment No. 9.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 30, Section 210.112, Line 9, by deleting the second occurrence of the word "or" on said line and inserting in lieu thereof the word "and"; and

Further amend said bill, Line 11, by deleting the word "or" and inserting in lieu thereof the word "and".

Representative Donnelly offered House Substitute Amendment No. 1 for House Amendment No. 9.

House Substitute Amendment No. 1 for House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 30, Section 210.112, Line 9, by deleting the second occurrence of the word "or" on said line and inserting in lieu thereof the word "and"; and by deleting Lines 10 through 18, and inserting in lieu thereof the following:

- "(2) Either:
- (a) A proven record of providing child welfare services within the state of Missouri; or
- (b) The ability to provide a range of child welfare services, which may include case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, mentoring, intensive in-home services, foster care services, adoption services, relative care case management, independent living services, and family reunification services."; and

Further amend title, enacting clause and intersectional references accordingly.

Representative Donnelly moved that **House Substitute Amendment No. 1 for House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Abel	Barnitz	Bishop	Bringer	Brooks
Burnett	Campbell	Carnahan	Corcoran	Curls
Darrough	Daus	Davis 122	Donnelly	Dougherty
El-Amin	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
LeVota	Liese	Lowe	McKenna	Meiners
Merideth	Muckler	Page	Ransdall	Sager
Salva	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Thompson	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	
NOES: 084				
Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford

Cunningham 145 Crowell Cunningham 86 Davis 19 Deeken Dethrow Dusenberg Emery Dempsey Dixon Engler Ervin Fares Goodman Guest Hobbs Holand Hunter Icet Jetton Johnson 47 Kelly 144 King Kingery Lager Luetkemeyer Marsh May Mayer Miller Morris Munzlinger Nieves Parker Moore Pearce Phillips Pratt Purgason Quinn Rector Reinhart Richard Roark Ruestman Rupp Sander Schaaf Schlottach Schneider Self Shoemaker Smith 118 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: 010

Adams Bland Boykins Jackson Lawson Lembke Lipke Myers Portwood Smith 14

Representative Donnelly requested a verification of the roll call on the motion to adopt **House Substitute Amendment No. 1 for House Amendment No. 9**.

Representative Zweifel moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Abel Barnitz Bishop Bland Bringer **Brooks** Burnett Campbell Carnahan Corcoran Curls Darrough Daus Davis 122 Donnelly El-Amin George Graham Dougherty Fraser Green Hampton Harris 110 Harris 23 Haywood Henke Hilgemann Hoskins Hubbard Johnson 61 Johnson 90 Jolly Kelly 36 Kratky Jones Kuessner Lawson LeVota Liese Lowe McKenna Meiners Muckler Page Ransdall Sager Salva Schoemehl Seigfreid Selby Shoemyer Skaggs Spreng Thompson Villa Vogt Wagner Walker Walsh Walton Ward Whorton Wildberger Willoughby Wilson 25 Wilson 42 Witte Zweifel Yaeger Young

NOES: 088

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 Dusenberg Emery Engler Ervin Fares Goodman Guest Hobbs Holand Hunter Icet Jackson Jetton Johnson 47 Kelly 144 King Kingery Lembke Luetkemeyer Lager Marsh May

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Miller Mayer Merideth Morris Munzlinger Nieves Phillips Portwood Parker Pearce Pratt Purgason Quinn Rector Reinhart Richard Roark Ruestman Rupp Sander Schaaf Schlottach Schneider Self Shoemaker 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: 005

Adams Boykins Lipke Moore Myers

Representative Self offered House Amendment No. 10.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 4, Section 168.283, Line 5, by inserting after all of said line the following:

"207.060. 1. The director of **the** family [services shall establish] **support division shall operate and maintain on a full-time basis** a county office in every county, which may be in the charge of a county welfare director who shall have been a resident of the state of Missouri for a period of at least two years immediately prior to taking office and whose salary shall be paid from funds appropriated for the **family support** division [of family services]."; and

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

Representative Johnson (90) offered **House Amendment No. 1 to House Amendment No. 10**.

House Amendment No. 1 to House Amendment No. 10

AMEND House Amendment No. 10 to House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 1, Line 8, by inserting immediately prior to the semi-colon the following:

"2. This section shall be subject to appropriations."; and

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

Representative Johnson (90) moved that **House Amendment No. 1 to House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 051

AbelBishopBlandBurnettCampbellCarnahanCorcoranCurlsDarroughDausDonnellyFaresFraserGeorgeGraham

Hilgemann

Holand

Hubbard	Johnson 90	Jolly	Jones	Lawson
LeVota	Liese	Lowe	Meiners	Merideth
Muckler	Page	Sager	Salva	Schoemehl
Selby	Skaggs	Spreng	Thompson	Villa
Vogt	Walker	Walsh	Ward	Wildberger
Willoughby	Wilson 25	Wilson 42	Yaeger	Young
Zweifel				
NOES 100				
NOES: 100				
Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Bringer	Bruns	Byrd	Cooper 120	Cooper 155
Crawford	Crowell	Cunningham 145	Cunningham 86	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Goodman	Guest	Hampton	Harris 110
Hobbs	Hoskins	Hunter	Icet	Jackson
Jetton	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lembke	Luetkemeyer
Marsh	May	Mayer	Miller	Moore
Morris	Munzlinger	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Seigfreid	Self	Shoemyer	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Wagner
Wallace	Wasson	Whorton	Wilson 119	Wilson 130
Witte	Wood	Wright	Yates	Madam Speaker
PRESENT: 000				
ABSENT WITH L	EAVE: 012			
Adams	Boykins	Brooks	Brown	Green
Johnson 47	Johnson 61	Lipke	McKenna	Myers
Shoemaker	Walton	-		•

Henke

Harris 23

Haywood

Representative Luetkemeyer offered **House Amendment No. 2 to House Amendment No. 10**.

House Amendment No. 2 to House Amendment No. 10

AMEND House Amendment No. 10 to House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 1, Section 207.060, Subparagraph number 1, by inserting after all of said subparagraph the following:

- "2. For the purpose of establishing and maintaining county offices, or carrying out any of the duties of the division of family services, the director of family services may enter into agreements with any political subdivision of this state, and as a part of such agreement, may accept moneys, services, or quarters as a contribution toward the support and maintenance of such county offices. Any funds so received shall be payable to the director of revenue and deposited in the proper special account in the state treasury, and become and be a part of state funds appropriated for the use of the division of family services.
- 3. Other employees in the county offices shall be employed with due regard to the population of the county, existing conditions and purpose to be accomplished. Such employees shall be paid as are other employees of the division

of family services."; and

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

On motion of Representative Luetkemeyer, **House Amendment No. 2 to House Amendment No. 10** was adopted.

On motion of Representative Self, House Amendment No. 10, as amended, was adopted.

Representative Stevenson offered House Amendment No. 11.

Representative Abel raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 11 was withdrawn.

Representative Abel offered House Amendment No. 12.

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 5, Section 208.152, Line 8, by inserting immediately before said section the following:

- "208.047. 1. Notwithstanding the provisions of section 208.040, [aid to dependent children] **temporary** assistance for needy families benefits may be granted to a dependent child:
- (1) Who would meet the requirements of section 208.040, except for his **or her** removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;
 - (2) For whose placement and care the division of family services is responsible;
- (3) Who has been placed in a foster family home or nonprofit private child-care institution as a result of such determination; and
- (4) Who (a) received [aid to dependent children] **temporary assistance for needy families** benefits in and for the month in which court proceedings leading to such determination were initiated; or (b) would have received aid in or for that month if application had been made therefor; or (c) in the case of a child who had been living with a relative specified in section 208.040 within six months prior to the month in which such proceedings were initiated, would have received aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.
- 2. Monthly aid to dependent children benefits on behalf of a child placed in a foster family home or nonprofit private child-care institution shall not exceed one hundred dollars for each child and in the event that federal aid to states for dependent children placed in a nonprofit private child-care institution is withdrawn, benefit payments under this section shall be terminated on behalf of a dependent child in a nonprofit private child-care institution.
- 3. Notwithstanding any other provision of law to the contrary, medical assistance provided to any child who is in foster care may extend past the child's eighteenth birthday in the following circumstances:
- (1) If when a foster child reaches age eighteen the child is enrolled in and attending a secondary school program of instruction, and continues to attend and progresses toward completion of such program, the medical assistance shall continue until the child completes such program or reaches age twenty-one, whichever first occurs; or
- (2) If the foster child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program

and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to re-enroll at such institution, the medical assistance shall continue until the child completes his or her education, or until the child reaches the age of twenty-three, whichever first occurs. If the circumstances of the child manifestly dictate, the division may waive the October first deadline for enrollment required by this subsection. As used in this subsection, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, community college, or university at which the child attends classes regularly.

4. This section shall be subject to appropriations."; and

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

On motion of Representative Abel, **House Amendment No. 12** was adopted.

Representative Holand offered House Amendment No. 13.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 30, Section 210.112.2, Line 7, by adding after the words "not-for-profit," the words "or limited liability corporations owned exclusively by not-for-profit corporations".

On motion of Representative Holand, **House Amendment No. 13** was adopted.

Representative Harris (23) offered House Amendment No. 14.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Pages 68 to 73, Section 211.031, by deleting all of said section; and

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

Representative Goodman raised a point of order that **House Amendment No. 14** amends previously amended material.

The Chair ruled the point of order untimely.

On motion of Representative Harris (23), **House Amendment No. 14** was adopted.

Representative Holand offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 74, Section 211.032(6), Line 15, after the "made" add the words "and documented"; and

Further amend Line 16, after the word "child," add the words "and the safety issue justifying custody is documented:".

On motion of Representative Holand, **House Amendment No. 15** was adopted.

Representative Dougherty offered House Amendment No. 16.

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Section 168.283, Page 3, Lines 18 and 19, by deleting all of said lines and inserting in lieu thereof the following:

"any violation of chapter 566, RSMo, or any other act committed in another state which, if committed in this state would be a violation of chapter 566, RSMo."; and

Further amend said bill, Section 168.283, Line 20, by deleting the word "sentence," on said line; and

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

Representative Dougherty moved that **House Amendment No. 16** be adopted.

Which motion was defeated.

Representative Riback Wilson (25) offered House Amendment No. 17.

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Page 19, Section 208.204, Lines 12-14, by deleting all of said lines and inserting in lieu thereof:

"child in such situation shall be billed to the department of social services by the department of mental health".

On motion of Representative Riback Wilson (25), **House Amendment No. 17** was adopted.

Representative Stevenson offered House Amendment No. 18.

Representative Riback Wilson (25) raised a point of order that **House Amendment No. 18** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 18 was withdrawn.

Representative Bringer offered House Amendment No. 19.

House Amendment No. 19

AMEND House Substitute for House Committee Substitute for House Bill Nos. 679 & 396, Section 210.145, Page 43, Line 11, by deleting the phrase ", the juvenile officer" on said line; and

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

On motion of Representative Bringer, House Amendment No. 19 was adopted.

On motion of Representative Hanaway, HS HCS HBs 679 & 396, as amended, was adopted.

On motion of Representative Hanaway, **HS HCS HBs 679 & 396, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

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

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SCS SB 466**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Financial Services, Chairman Luetkemeyer reporting:

Madam Speaker: Your Committee on Financial Services, to which was referred **SB 292**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Financial Services, to which was referred **SB 496**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Professional Registration and Licensing, Chairman Behnen reporting:

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred SCS SB 478, begs leave to report it has examined the same and recommends that it **Do Pass** by Consent.

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 540**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Tourism and Cultural Affairs, Chairman Marsh reporting:

Madam Speaker: Your Committee on Tourism and Cultural Affairs, to which was referred SCS#2 SB 1, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Tourism and Cultural Affairs, to which was referred **SCS SB 237**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Transportation and Motor Vehicles, Chairman Crawford reporting:

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Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SB 289**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND Senate Bill No. 289, Page 1, Line 5, by inserting after all of said line the following:

"227.342. The portion of interstate highway 29 between mile marker 89 and mile marker 92, all located within a county of the third classification without a township form of government and with more than five thousand three hundred but less than five thousand four hundred inhabitants, shall be designated the "William 'Bill' Lark Memorial Highway"."; and

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

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SB 314**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 5**.

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, marriage is the cornerstone of our society; and

WHEREAS, marriage between one man and one woman preceded and composed the bedrock of human society; and

WHEREAS, the benefits of marriage between one man and one woman are substantial and undeniable, both for the individuals involved and any children resulting from the union; and

WHEREAS, a case currently pending before the Massachusetts Supreme Court could potentially destroy the traditional understanding of marriage as a union between one man and one woman; and

WHEREAS, the present trend by activist groups to undermine current laws protecting the marriage between one man and one woman; and

WHEREAS, the federal marriage amendment is drafted to ensure the democratic process by allowing the state to retain existing authority to legislate in the area of marital benefits including privileges associated with marriage:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring herein, hereby urge the members of the United States Congress to take up and pass the Federal Marriage Amendment to the Constitution; and

BE IT FURTHER RESOLVED that the secretary of the senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United State Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 12**.

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, a recent report of the Bureau of Justice Statistics, reported there are more than 1.4 million prisoners in the jurisdiction of federal or state adult correctional agencies, and the overall population of those incarcerated exceeds 2.07 million persons; and

WHEREAS, state prisons are operating between full and 15 percent above capacity and federal prisons are operating 31 percent above capacity; and

WHEREAS, in the wake of September 11, states have been charged with homeland safety and are required to more stringently track prisoners and prison populations; and

WHEREAS, while state growth in revenue continues to decline, the Missouri Department of Corrections continues to experience increasing demands through federal and state laws, sentencing guidelines, and recidivism, and is thus facing an increasing prison population; and

WHEREAS, it is in the state's best interest to encourage offender education, vocation, and substance abuse programs, and to include adult basic education/GED preparation, religious programs, wellness, parenting, and life skills programs; and

WHEREAS, both the federal and state government should continue to set forth high standards of service and levels of quality for housing detainees similar to those found in the American Correctional Association (ACA); and

WHEREAS, President George W. Bush, in August, 2002, proposed a federal initiative to institute more e-government, improve financial management with better audit results, initiate performance-based budgeting, reduce middle management, and increase competitive bidding between public and private sections; and

WHEREAS, the state of Missouri through its elected Senators and Representatives is seeking all available remedies to its declining revenues, but demands accountability, performance, low cost, and flexibility in its solutions:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor and the Missouri Department of Corrections to explore the opportunities for public-private partnerships to design, build and/or manage prison facilities, and to monitor inmate populations; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri and the Director of the Missouri Department of Corrections.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 468**, entitled:

An act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the forwarding of case dispositions to the Missouri state highway patrol, with penalty provisions.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Lipke.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, April 10, 2003.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Michael G. Corcoran, District 77, hereby state and affirm that my vote as recorded on Page 961 of the House Journal for Tuesday, April 8, 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 9th day of April 2003.

		/s/ Michael G. Corcoran
		State Representative
State of Missouri)) ss.	
County of Cole)	
Subscribed and sworn	to before me this	9th day of April in the year 2003.
		/s/ Stephen S. Davis
		Chief Clerk
		the was taken, I did in fact vote, and my vote or absence was incorrectly recorded. Into subscribed my hand to this affidavit on this 9th day of April 2003.
		/s/ Brad Roark
		State Representative
State of Missouri)) ss.	
County of Cole)	
Subscribed and sworn	to before me this	9th day of April in the year 2003.
		/s/ Stephen S. Davis
		Chief Clerk

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 10, 2003, 8:30 a.m. Hearing Room 1. Executive Session may follow. HEARING CANCELLED Public Hearing to be held on: SB 15

AGRICULTURE

Monday, April 14, 2003, 1:00 p.m. Hearing Room 6. Executive Session may follow. Public Hearing to be held on: SB 388, SB 651, SB 668

CHILDREN AND FAMILIES

Thursday, April 10, 2003, 9:00 a.m. Hearing Room 5. Public Hearing to be held on: SB 571, SB 635

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, April 10, 2003. Side gallery upon morning adjournment. Executive Session to follow.

Public Hearing to be held on: SB 399, SB 425, SB 467

EDUCATION

Thursday, April 10, 2003, 8:00 a.m. Hearing on bills not heard Wednesday, April 9th. Possible Executive Session.

ELECTIONS

Thursday, April 10, 2003. Hearing Room 4 upon morning adjournment. Public Hearing to be held on: SB 358 Executive Session to be held on: SB 136, SB 173, SB 321, SB 358

FINANCIAL SERVICES

Thursday, April 10, 2003. Hearing Room 3 upon afternoon adjournment. Possible Executive Session. HEARING CANCELLED Public Hearing to be held on: SB 407

FINANCIAL SERVICES

Monday, April 14, 2003, 2:00 p.m. Hearing Room 4. Public Hearing to be held on: SB 61, SB 373, SB 407, SB 611

FINANCIAL SERVICES

Tuesday, April 15, 2003, 12:00 p.m. Hearing Room 6. Possible Executive Session. AMENDED NOTICE Public Hearing to be held on: HB 560, SB 385, SB 427

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HEALTH CARE POLICY

Thursday, April 10, 2003, 9:15 a.m. Hearing Room 2.

Executive Session may follow.

Public Hearing to be held on: SB 351, SB 431, SB 506, SB 511

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, April 10, 2003. Senate Lounge upon adjournment.

The Joint Committee will meet to discuss hiring a new Director for the Committee.

LOCAL GOVERNMENT

Thursday, April 10, 2003, 8:00 a.m. Hearing Room 6.

Executive Session on previously heard Senate Bills.

Public Hearing to be held on: SB 121, SB 122, SB 142, SB 202, SB 212,

SB 224, SB 238, SB 281, SB 301

LOCAL GOVERNMENT

Thursday, April 10, 2003. Hearing Room 6 upon morning adjournment.

Executive Session on previously heard Senate Bills. AMENDED NOTICE

Public Hearing to be held on: SB 295, SB 562, SB 577

LOCAL GOVERNMENT

Monday, April 14, 2003, 12:00 p.m. Hearing Room 7.

Executive Session on Senate Bills.

Public Hearing to be held on: SB 16, SB 120, SB 275, SB 504, SB 513,

SB 546, SB 547, SB 578, SB 592, SB 621

PROFESSIONAL REGISTRATION AND LICENSING

Thursday, April 10, 2003. Hearing Room 7 upon morning adjournment.

Public Hearing to be held on: SB 327, SB 480, SB 492

Executive Session to be held on: SB 327, SB 480, SB 492

RETIREMENT

Thursday, April 10, 2003, 8:30 a.m. Hearing Room 7.

Executive Session may follow.

Public Hearing to be held on: SB 180, SB 456, SB 552

SENIOR SECURITY

Thursday, April 10, 2003. Hearing Room 5 upon afternoon adjournment.

Executive Session may follow.

Public Hearing to be held on: SB 534

TAX POLICY

Thursday, April 10, 2003. Hearing Room 3 upon adjournment.

Executive Session may follow. AMENDED NOTICE

Public Hearing to be held on: SB 175, SB 293, SB 590

HOUSE CALENDAR

FIFTIETH DAY, THURSDAY, APRIL 10, 2003

HOUSE BILLS FOR SECOND READING

HB 736 through HB 739

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 132, 173, 117 & 48 Wright
- 2 HCS HB 215, 218, 115 & 83 Myers
- 3 HCS HB 190 & 214 Fares
- 4 HCS HB 51 Mayer
- 5 HCS HB 387 Pearce
- 6 HCS HB 109 & 34 Fares
- 7 HCS HB 404, 324, 403, 344, 426 & 541, Part VI of HS, as amended, pending Rector
- 8 HB 263 Cooper (120)
- 9 HCS HB 121 Portwood
- 10 HB 481 Crowell
- 11 HCS HB 468 Byrd
- 12 HCS HB 142 Dempsey
- HCS HB 564 Behnen

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HCS HB 435 - Engler

HOUSE BILLS FOR THIRD READING

- 1 HS HB 511 Deeken
- 2 HB 444 Jackson
- 3 HS HB 470 Mayer
- 4 HS HCS HB 679 & 396 Hanaway

SENATE BILL FOR SECOND READING

SB 468

SENATE BILLS FOR THIRD READING - CONSENT

(4-07-03)

- 1 SCS SB 4, HCA 1 Johnson (47)
- 2 SB 255 Engler

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1
      HCS SB 234, E.C. - Ervin
2
      SB 14 - Johnson (47)
3
      SCS SB 29 - Parker
4
      SB 50 -
5
      HCS SB 68 - Wasson
6
      HCS SCS SB 130, E.C. - Davis (19)
7
      HCS SCS SB 218 - George
8
      SB 232 - Behnen
      SB 235 - Johnson (47)
9
10
      SCS SB 239 - Smith (118)
11
      HCS SB 266 - Johnson (47)
12
      SB 282 - Brown
13
      SB 371 - Cunningham (86)
      (4-10-03)
1
      SCS#2 SB 1 - Luetkemeyer
2
      SCS SB 237 - Luetkemeyer
3
      SB 289, HCA 1 - Dempsey
4
      SB 292 -
5
      SB 314 - Dempsey
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SENATE BILLS FOR THIRD READING

SCS SB 478 - Smith (14)

1 SCS SB 299 & 40 - Bearden

SB 540 - Dempsey

SCS SB 466 -

SB 496 -

6

7

8

9

2 HCS SCS SB 296 - Sutherland

SENATE BILL FOR THIRD READING - FEDERAL MANDATE

SCS SB 194 & 189, E.C. - St. Onge

HOUSE CONCURRENT RESOLUTION

HCR 11, (4-07-03, Pages 945-946) - Moore