

JOURNAL OF THE HOUSE

First Regular Session, 92nd General Assembly

FIFTY-FIRST DAY, MONDAY, APRIL 14, 2003

Representative Dempsey in the Chair.

Prayer by Father David Buescher.

Gracious God, as we ask often, please help the people of Iraq and all that human power gathered there, that their country may be boosted into a more democratic and compassionate civilization. But also God, we just thank You for this beautiful day here in the state of Missouri.

Thank You for the natural richness and the plentiful resources You have seen fit to have all around us here. Aid these, our representatives, that they continue to lead all our people in the ways of thankful, respectful and careful stewardship of all the good in our natural world here and in that human web we've built across this portion of our country.

For this we pray, Amen.

The Pledge of Allegiance to the flag was recited.

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

The Journal of the fiftieth day was approved as corrected.

HOUSE RESOLUTION

Representative Miller offered House Resolution No. 1847.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1768 - Representative Donnelly

House Resolution No. 1769

and

House Resolution No. 1770 - Representative Holand

House Resolution No. 1771 - Representative Viebrock

House Resolution No. 1772

and

House Resolution No. 1773 - Representative Bruns

House Resolution No. 1774

and

House Resolution No. 1775 - Representative Munzlinger

House Resolution No. 1776 - Representative Stevenson, et al

House Resolution No. 1777 - Representative Bruns
House Resolution No. 1778
through
House Resolution No. 1829 - Representative Crowell
House Resolution No. 1830 - Representative Skaggs
House Resolution No. 1831
through
House Resolution No. 1844 - Representative Dethrow
House Resolution No. 1845 - Representatives Villa and Walsh
House Resolution No. 1846 - Representative Townley

INTRODUCTION OF HOUSE BILLS

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

HB 743, introduced by Representative Stevenson, relating to small claims actions.

HB 744, introduced by Representative Jackson, relating to the amusement ride safety fund.

HB 745, introduced by Representatives Stevenson, Bearden, Icet, Cooper (120) and Hunter, et al, relating to the calculation of certain existing elements of state school aid.

HB 746, introduced by Representative Guest, relating to salary of council members in certain cities.

HB 747, introduced by Representative Cooper (120), relating to adoption tax credits.

SECOND READING OF HOUSE BILLS

HB 740 through **HB 742** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 69, **SS SCS SB 410** and **SS SS SCS SBs 556 & 311** were read the second time.

PERFECTION OF HOUSE BILL

HCS HBs 404, 324, 403, 344, 426 & 541, with Part IX of HS, as amended, pending, relating to the regulation of utilities, was taken up by Representative Rector.

Representative Salva offered **House Amendment No. 4 to Part IX.**

House Amendment No. 4

AMEND Part IX of House Substitute for House Committee Substitute for House Bill Nos. 404, 324, 403, 344, 426 & 541, Page 39, Section 393.1018, Line 11 of said page, by inserting immediately after all of said line the following:

“Section 1. No utility can offer or request to the commission or technical advisory staff a proposed increase in rates, whether temporary or permanent, while there is litigation pending against said company or corporation by a state agency.”; and

Further amend said bill in the title and enacting clause accordingly.

Representative Salva moved that **House Amendment No. 4 to Part IX** be adopted.

Which motion was defeated.

On motion of Representative Rector, **Part IX of HS HCS HBs 404, 324, 403, 344, 426 & 541, as amended**, was adopted.

Representative Rector moved that **Part X of HS HCS HBs 404, 324, 403, 344, 426 & 541** be adopted.

Which motion was defeated by the following vote:

AYES: 000

NOES: 160

| | | | | |
|------------|------------|----------------|---------------|---------------|
| 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 | Donnelly | Dougherty |
| Dusenberg | El-Amin | Emery | Engler | Ervin |
| Fares | Fraser | George | Goodman | Graham |
| Green | Guest | Hampton | Harris 110 | Harris 23 |
| Haywood | Henke | 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 |
| Miller | Moore | Morris | Muckler | Munzlinger |
| Myers | Nieves | Page | Parker | Pearce |
| Phillips | Portwood | Pratt | Purgason | 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 | 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 |

PRESENT: 000

ABSENT WITH LEAVE: 003

Adams

Hilgemann

St. Onge

On motion of Representative Rector, **HS HCS HBs 404, 324, 403, 344, 426 & 541, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL - FEDERAL MANDATE

HCS HB 435, relating to railroad grade crossings, was taken up by Representative Engler.

On motion of Representative Engler, **HCS HB 435** was adopted.

On motion of Representative Engler, **HCS HB 435** was ordered perfected and printed.

HOUSE CONCURRENT RESOLUTION

HCR 11, relating to out-of-school programs, was taken up by Representative Moore.

On motion of Representative Moore, **HCR 11** was adopted.

THIRD READING OF SENATE BILL

SCS SBs 299 & 40, relating to performance-based budgeting, was taken up by Representative Bearden.

Representative Bearden offered **HS SCS SBs 299 & 40**.

Representative Fraser requested a division of the question on the motion to adopt **HS SCS SBs 299 & 40**.

SCS SBs 299 & 40, with Part I and Part II of HS, pending, was laid over.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HS HCS HBs 679 & 396 - Budget (Fiscal Note)

COMMITTEE REPORT

Committee on Health Care Policy, Chairman Holand reporting:

Madam Speaker: Your Committee on Health Care Policy, to which was referred **HB 688**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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 6**.

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including educators, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to all vested members of the Public School Retirement System of Missouri; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO; and

WHEREAS, this amount can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, during a national teacher shortage, the GPO and WEP discourage people from entering and staying in the teaching profession, since doing so will mean a loss of earned Social Security benefits; and

WHEREAS, the GPO and WEP are also causing current educators to leave the profession and students to choose courses of study other than education; and

WHEREAS, non-Social Security states are finding it increasingly difficult to attract quality educators as more people learn about the GPO and WEP; and

WHEREAS, the nation should respect, not penalize, public service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

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 Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members 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 third read and passed **SCS SCR 8**.

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 8

Relating to changing the name of the St. Louis Central Office of the Division of Workforce Development to the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development"

WHEREAS, Nathaniel J. "Nat" Rivers served the people of the City of St. Louis as a member of the Missouri House of Representatives beginning in 1969, and he continued to serve for the next fourteen years; and

WHEREAS, Nat Rivers was born in Cache, Illinois and educated at Sumner High School in Cairo, Illinois, Southern Illinois University at Carbondale and St. Louis University; and

WHEREAS, Nat Rivers, a real estate and insurance broker, was very active in his community, and served on the Board of Directors of Mid-City Rental Company, Union Sarah Community Corporation, West Side Redevelopment Corporation, West End Congress, Union-Sarah Economic Development Corporation and West Side Community Gardens; and

WHEREAS, Nat Rivers was recognized for his contributions to the St. Louis community through numerous awards, including the St. Louis Citizens Award in Community Service in 1979, the Harris-Stowe College Award in recognition for his concern for Higher Education and Human Development in 1978, and the Dr. Martin Luther King Jr. Human Rights Award in 1979; and

WHEREAS, such awards only begin to recognize Nat Rivers' true accomplishments and contributions to the citizens of St. Louis and the State of Missouri; and

WHEREAS, the most appropriate way to recognize an individual of Nat Rivers' stature is to name a public building after him; and

WHEREAS, the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, has no proper name; and

WHEREAS, this St. Louis Central Office provides much needed community services to persons in the St. Louis area, including job service and development, job corps, work opportunity and welfare-to-work information, job training assistance, veterans service and unemployment benefit information; and

WHEREAS, Nat Rivers' contributions and service to the community of St. Louis are exemplary and distinguished:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, proclaims that the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, be hereby named the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development", and that a sign or signs of appropriate size, lettering and design be constructed and placed on said office property with the name "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development" on said sign, which shall be readily legible from the street; and

BE IT FURTHER RESOLVED that the Director of the Department of Economic Development shall promptly notify those members of the General Assembly whose constituents are served by the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development, the Secretary of the Senate and the Chief Clerk of the House of Representatives with the date in which said sign or signs are to be placed on the property; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

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 9**.

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the use of prescription drugs improves the quality of care and helps patients live healthier, longer, and more productive lives while keeping them out of more costly acute care settings in the long term; and

WHEREAS, the increased use of new and improved prescription drugs has changed the delivery of health care in the United States since Medicare was enacted, and while two-thirds of the Medicare population has some form of prescription drug coverage, although many times inadequate, one-third of Medicare beneficiaries have no coverage at all; and

WHEREAS, Congress did not enact a drug benefit in the Medicare program, therefore the program is inadequate in providing the elderly and disabled the most appropriate drug therapies, preventing the delivery of quality health care at an affordable cost; and

WHEREAS, the private sector provides affordable coverage by negotiating discounts on drugs and meeting the needs of special populations with chronic diseases and those with co-morbidities through coordinating care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical errors; and

WHEREAS, comprehensive reform of the Medicare program would utilize the successful tools of the private sector in coordinating care for this population and use the marketplace to foster competition among private plans, resulting in more choices of quality coverage for seniors and the disabled while maintaining the financial sustainability of the program; and

WHEREAS, the failure of Congress to provide for comprehensive reform of Medicare and the encouraging of states to use their own resources to ease the burden of the elderly and disabled Medicare populations, in effect, result in an unfunded informal mandate on the states; and

WHEREAS, in implementing state programs to assist the Medicare population, state budgetary constraints can often result in requirements to restrict and limit patient access to needed prescription drugs, and the enactment of anti-competitive price controls:

NOW, THEREFORE, BE IT RESOLVED that the members of the of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request that the United States Congress enact financially sustainable, voluntary, universal, and privately administered out-patient prescription drug coverage as part of the federal Medicare program; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the House is respectfully requested.

LETTER OF OBJECTION

April 14, 2003

Steve Davis, Chief Clerk
Mo. House of Representatives
Capitol Building
Jefferson City, MO 65101

Re: SB 496

Dear Steve:

The following members and myself request **SB 496** be removed from the Senate Consent Calendar as there appears to be language problems with the bill that need to be addressed.

| | |
|------------------------|--------------------|
| /s/ Blaine Luetkemeyer | /s/ Trent Skaggs |
| /s/ David Pearce | /s/ Michael Spreng |
| /s/ Ron Richard | |

Thanking you in advance for your assistance in this matter.

Blaine Luetkemeyer
115th District

The following member's presence was noted: Hilgemann.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, April 15, 2003.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Steve Hunter, District 127, hereby state and affirm that my vote as recorded on Page 1000 and 1001 of the House Journal for Thursday, April 10, 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 14th day of April 2003.

/s/ Steve Hunter
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 14th day of April in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Doug Ervin, District 35, hereby state and affirm that my vote as recorded on Page 1008 of the House Journal for Thursday, April 10, 2003 showing that I voted aye was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. 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 14th day of April 2003.

/s/ Doug Ervin
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 14th day of April in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Sue Schoemehl, District 100, hereby state and affirm that my vote as recorded on Page 1009 of the House Journal for Thursday, April 10, 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 14th day of April 2003.

/s/ Sue Schoemehl
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 14th day of April in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

/s/ Christopher Shoemaker
State Representative

/s/ Stephen S. Davis
Chief Clerk

/s/ Yvonne S. Wilson
State Representative

/s/ Stephen S. Davis
Chief Clerk

/s/ Terry Young
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 14th day of April in the year 2003.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 17, 2003, 8:30 a.m. Hearing Room 1.
Interim Resolution and discussion on a survey.
Executive Session may follow.

AGRICULTURE

Tuesday, April 15, 2003, 12:30 p.m. Hearing Room 1.
Possible Executive Session.
Public Hearing to be held on: HB 317

BUDGET

Tuesday, April 15, 2003, 8:00 a.m. Hearing Room 3.
Executive Session may follow. Public hearing on SCR 13.
Other bills in committee HB 698 and HCR 17.
Public Hearing to be held on: HB 16, HB 17, HB 18, HB 19, HB 20

BUDGET

Wednesday, April 16, 2003, 8:00 a.m. Hearing Room 3.
Executive Session may follow.
Public Hearing to be held on: HB 16, HB 17, HB 18, HB 19, HB 20, HB 679,
HB 698, SCR 13

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Tuesday, April 15, 2003, 12:30 p.m. Hearing Room 3.
Executive Session.

CONSERVATION AND NATURAL RESOURCES

Wednesday, April 16, 2003, 12:30 p.m. Hearing Room 5.
Executive Session may follow.
Public Hearing to be held on: HB 355, HB 439, HB 519

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 15, 2003, 5:00 p.m. Hearing Room 3.
Executive Session may follow.
Public Hearing to be held on: HB 54, HB 586, HB 667, HB 669, HB 697,
HB 730, HB 733

ELECTIONS

Tuesday, April 15, 2003, 6:00 p.m. Hearing Room 7.

Executive Session will follow the hearing and will include HB 686.

Public Hearing to be held on: SB 422

FINANCIAL SERVICES

Tuesday, April 15, 2003, 12:30 p.m. Hearing Room 6.

Possible Executive Session. #2 AMENDED NOTICE

Public Hearing to be held on: HB 560, SB 385, SB 427

HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, April 15, 2003, 5:00 p.m. Hearing Room 5.

Executive Session may follow.

Public Hearing to be held on: HB 699

LOCAL GOVERNMENT

Thursday, April 17, 2003, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 298

TAX POLICY

Tuesday, April 15, 2003, 12:30 p.m. Hearing Room 7.

Executive Session may follow.

Public Hearing to be held on: HB 624, HB 647, HB 701, HB 703, HB 726, SB 93

HOUSE CALENDAR

FIFTY-SECOND DAY, TUESDAY, APRIL 15, 2003

HOUSE BILLS FOR SECOND READING

HB 743 through HB 747

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 HB 263 - Cooper (120)
- 8 HCS HB 121 - Portwood
- 9 HB 481 - Crowell
- 10 HCS HB 468 - Byrd

- 11 HCS HB 142 - Dempsey
- 12 HCS HB 564 - Behnen
- 13 HB 593, HCA 1 - Deeken
- 14 HCS HB 233 - Holand
- 15 HCS HB 138 - Crawford
- 16 HB 471 - Jackson
- 17 HCS HB 688 - Hanaway

HOUSE BILL FOR THIRD READING

HS HCS HB 679 & 396, (Budget 4-14-03) - Hanaway

SENATE CONCURRENT RESOLUTION FOR SECOND READING

SCS SCR 8

SENATE BILLS FOR THIRD READING - CONSENT

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

(4-09-03)

- 1 HCS SB 234, E.C. - Ervin
- 2 SB 14 - Johnson (47)
- 3 SCS SB 29 - Parker
- 4 SB 50 - Seigfreid
- 5 HCS SB 68 - Wasson
- 6 HCS SCS SB 130, E.C. - Davis (19)
- 7 HCS SCS SB 218 - George
- 8 SB 232 - Behnen
- 9 SB 235 - Johnson (47)
- 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
- 6 SCS SB 466 -

7 SCS SB 478 - Smith (14)

8 SB 540 - Dempsey

SENATE BILLS FOR THIRD READING

1 SCS SB 299 & 40, Part I and Part II of HS, pending - Bearden

2 HCS SCS SB 296 - Sutherland

3 SB 496 - Luetkemeyer

SENATE BILL FOR THIRD READING - FEDERAL MANDATE

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

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 221, as amended - Luetkemeyer