

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

ELEVENTH DAY, TUESDAY, JANUARY 27, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

Let us pray.

“Frost and Chill, bless the Lord.
Ice and snow, bless the Lord.”
(Daniel 3:69-70)

Almighty God, the disagreeable weather, which You allow, speaks to us of the many things we cannot control.

We use Your gifts of ingenuity and human creation to work with the powerful forces of nature.

Through this dimension of our lives You remind us of the necessity to work with other forces and even people in our lives who are beyond our control.

By Your grace, may we use the ingenuity and the wisdom gained from experience to work with those who place in our path opposition as forceful as that of the weather outside.

O Lord our God, bless our efforts to work with all others so that our convictions of truth and justice and necessity might contribute to the maximum in creating a Spring thaw that increases the common good of all our people.

We pray to You who are our God forever and ever. Amen.

Speaker Hanaway introduced the Tri Citians from the Tri City Christian School in Independence, Missouri.

The following individuals, directed by Pastor Jim Bishop and accompanied by Miss Molly Ijames, performed inspirational and spiritual numbers for the members of the House of Representatives: Amanda Danforth, Christina Shelp, Gloria Hamilton, Lauren Holiday, Marissa Gleason, Emily Shelp, Heather Anderson, Jennifer Krueger, Nina Kitmiller, Ashley Petrillo, Irena Totta, Ruth Kuykendall, Kelsie Huesinger, Kyle Alexander, Joey Hoelscher, Austin Cook, Ben Totta, Andy Wilson, Chad Williams, Travis Logan, Tyler Dowland, Chet Parry, Michael Collison and David Ohara.

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: Breann Hackward, Shanna Lewis, Sammy Braden and Paul Messmer, Jr.

The Journal of the tenth day was approved as printed.

SPECIAL RECOGNITION

The University of Missouri Tigers Football Team was introduced by Representatives Hobbs, Riback Wilson (25), Graham, Harris (23) and Shoemyer.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 208 - Representatives Richard, Stevenson, Hunter and Ruestman

House Resolution No. 209

and

House Resolution No. 210 - Representative Moore

House Resolution No. 211 - Representative Threlkeld

House Resolution No. 212 - Representatives Hobbs, Graham, Riback Wilson (25),
Harris (23) and Shoemyer

INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS

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

HB 1001, introduced by Representative Bearden, to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

HB 1014, introduced by Representative Bearden, 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, 2004.

INTRODUCTION OF HOUSE BILLS

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

HB 1271, introduced by Representatives Engler, Crawford, Lager, Kuessner, Hunter, Deeken, Quinn, Hobbs, Shoemaker, Bruns, Schaaf, Whorton and Moore, relating to minimum pay for certain corrections employees.

HB 1272, introduced by Representatives Schaaf, Cooper (155), Threlkeld, Lawson, Engler, Holand, Pearce, Smith (118), Emery, Kingery, Bean, Wildberger, Nieves, Wallace, Carnahan, St. Onge, Angst, Richard, Page and Hanaway, relating to the Missouri catalog of assistance programs.

HB 1273, introduced by Representatives Davis (122) and King, relating to department of transportation employees' annual leave.

HB 1274, introduced by Representatives Parker, Hubbard, Schneider, Cunningham (86) and Reinhart, relating to domestic violence.

HB 1275, introduced by Representatives Wilson (130), Ruestman, Moore, Emery, Richard, Stevenson and Hunter, to authorize the conveyance of property owned by the state in the county of Newton to the city of Neosho.

HB 1276, introduced by Representatives Sander, Munzlinger, Myers, Cunningham (145), Roark, Purgason, Bean, King, Quinn, Bringer, Harris (110), Seigfreid, Barnitz, Hobbs, Wilson (119) and Kelly (144), relating to air pollution.

HB 1277, introduced by Representatives Townley, Dethrow, Munzlinger, Ward, May, Harris (110), Bean, Hobbs, Myers, Whorton and Bough, relating to hazardous waste management.

HB 1278, introduced by Representatives Luetkemeyer, Sutherland, Wood, Wilson (130), Hobbs, Dixon, Ervin, Smith (118), Engler, Richard, Moore and Hanaway, relating to insurance.

HB 1279, introduced by Representatives Shoemyer, Ward, Henke, Wildberger, LeVota, Hobbs, King, Haywood, Graham, Sanders Brooks, Daus, Bean, Ransdall and Kuessner, relating to hand fishing.

HB 1280, introduced by Representatives Kingery, Crawford, Lipke, May, Engler, Nieves, Dethrow, Mayer, Bean, Myers, Stevenson, Walker, Swinger and Bishop, relating to registration of commercial motor vehicles.

HB 1281, introduced by Representatives Zweifel, Bishop, Wildberger, Page, Darrough, George and Corcoran, relating to school bus transportation safety.

HB 1282, introduced by Representative Green, relating to privatization contracts.

HB 1283, introduced by Representative Viebrock, relating to designation of the Korean War Veterans' Freeway.

HB 1284, introduced by Representative Engler, relating to salvage motor vehicles.

HB 1285, introduced by Representative Engler, relating to car rental insurance.

SECOND READING OF HOUSE BILLS

HB 1244 through **HB 1270** were read the second time.

PERFECTION OF HOUSE BILL

HB 969, relating to income tax: intangible property, was taken up by Representative Cooper (120).

Representative Smith (118) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 969, Page 4, Section 143.435, Lines 65-71, by deleting all of said lines and inserting in lieu thereof the following:

“4. With respect to any issue relevant to ascertaining the tax liability of a taxpayer this section shall be strictly construed against the taxing authority in favor of the taxpayer. The director of revenue shall have the burden of proof with respect to any factual issue relevant to ascertaining the liability of a taxpayer only if:

(1) The taxpayer has produced evidence that establishes there is a reasonable dispute with respect to the issue; and,

(2) The taxpayer has adequate records of its transactions and provides the department of revenue reasonable access to these records.”.

Representative Munzlinger assumed the Chair.

On motion of Representative Smith (118), **House Amendment No. 1** was adopted.

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

Representative Goodman raised a point of order that **House Amendment No. 2** is not germane to the bill.

Representative Munzlinger requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Speaker Pro Tem Jetton assumed the Chair.

Representative Davis (122) offered **House Amendment No. 3**.

Representative Goodman raised points of order that **House Amendment No. 3** amends previously amended material, is not germane and goes beyond the scope of the bill.

The Chair ruled the points of order well taken.

Representative Munzlinger resumed the Chair.

Representative Burnett offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Bill No. 969, Page 4, Section 143.435, Line 71, by adding the following at the end of said line:

“5. The receipt by a related entity as defined herein of any interest expenses and costs or any intangible expenses and costs from any Missouri entity shall create an accounts receivable in the State of Missouri for the non-Missouri related entity.”.

Speaker Pro Tem Jetton resumed the Chair.

Representative Munzlinger resumed the Chair.

Representative Burnett moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Carnahan	Corcoran
Crawford	Curls	Darrough	Daus	Davis 122
Donnelly	Dougherty	Fraser	George	Green
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Icet	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 36
Kratky	Kuessner	LeVota	Liese	Lowe
McKenna	Meiners	Muckler	Page	Ransdall
Sager	Salva	Schoemehl	Seigfreid	Selby
Shoemyer	Skaggs	Spreng	Swinger	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

NOES: 081

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Brown	Bruns
Cooper 120	Crowell	Cunningham 145	Cunningham 86	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Engler	Ervin	Goodman	Guest
Hobbs	Holand	Hunter	Jackson	King
Kingery	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	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
Wilson 119
Madam Speaker

Townley
Wilson 130

Viebrock
Wood

Wallace
Wright

Wasson
Yates

PRESENT: 002

Byrd

Fares

ABSENT WITH LEAVE: 008

Avery
Jetton

Campbell
Kelly 144

Cooper 155
Lawson

El-Amin

Graham

VACANCIES: 001

HB 969, as amended, was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1190 - Children and Families

HB 1268 - Workforce Development and Workplace Safety

MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following escort committee to act with a like committee from the House pursuant to **HCR 3**: Senators Bray, Callahan, Cauthorn, Days, Dolan, Griesheimer, Kennedy, Russell, Scott and Stoll.

COMMUNICATION

January 21, 2004

Steve Davis, Chief Clerk
Missouri House of Representatives
State Capitol Building
Jefferson City, MO 65101

Dear Mr. Clerk:

Per RSMo 105.461 and 105.456, I am informing you that my wife and I are receiving income in the form of Maintenance Payments from the Department of Social Services as foster parents.

Please contact me if you have any questions.

Sincerely,

/s/ Clint Zweifel
State Representative
District 78

WITHDRAWAL OF HOUSE BILL

January 21, 2004

The Honorable Catherine Hanaway
Speaker of the House
Room 308, State Capitol Building
Jefferson City, MO 65101

Dear Madam Speaker,

I respectfully request to withdraw **HB 1256**, dealing with the creation of the Secretary of State's Council on Library Development and publishing guidelines for state agencies. Thank you for your consideration.

Sincerely,

/s/ Rod Jetton
Speaker Pro Tem

The following members' presence was noted: Cooper (155) and Lawson.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Wednesday, January 28, 2004.

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, January 28, 2004, 8:00 a.m. Hearing Room 7.
Executive Session may follow.
Public hearing to be held on: HB 1177

AGRICULTURE

Thursday, January 29, 2004, 8:00 a.m. Hearing Room 7.
Executive Session.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 28, 2004, 2:30 p.m. Hearing Room 5.
Testimony from the Department of Natural Resources. AMENDED

APPROPRIATIONS - EDUCATION

Wednesday, January 28, 2004, 8:00 a.m. Hearing Room 1.
Testimony provided by the Department of Elementary and Secondary Education.
Will possibly reconvene at 2:30 p.m.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 28, 2004, 2:30 p.m. Hearing Room 7.

Office of the State Auditor, Office of Administration and Statewide Leasing.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, January 28, 2004, 8:00 a.m. Hearing Room 3.

Departments of Mental Health, Health, and Social Services.

Review of the Governor's recommendations. CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 29, 2004, 8:00 a.m. Hearing Room 3.

Departments of Mental Health, Health, and Social Services.

Review of the Governor's recommendations. CANCELLED

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, January 28, 2004, 8:15 a.m. Hearing Room 5.

Testimony from the Departments of Insurance, Labor, Transportation,
and Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, January 29, 2004, 8:15 a.m. Hearing Room 5.

Testimony from the Departments of Insurance, Labor, Transportation,
and Economic Development.

CONSERVATION AND NATURAL RESOURCES

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 5.

Possible Executive Session.

Public hearing to be held on: HB 1085

EDUCATION

Wednesday, January 28, 2004, 5:00 p.m. Hearing Room 3.

Continue Hearing on HB 1040. Possible Executive Session on HB 1040.

Executive Session will be held on: HB 1041

EDUCATION

Thursday, January 29, 2004, 8:00 a.m. Hearing Room 4.

Possible continuation of hearing on HB 1040.

Executive Sessions may be held on: HB 1040, HB 1041

HEALTH CARE POLICY

Wednesday, January 28, 2004, 5:00 p.m. Hearing Room 6.

Public hearing to be held on: HB 855

Executive Session may be held on: HB 923

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 6.

Public hearing to be held on: HB 1207

JUDICIARY

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 1.

General discussion on Trust and Estate Laws.

Public hearings to be held on: HB 1036, HB 994

Executive Session will be held on: HB 798

LOCAL GOVERNMENT

Thursday, January 29, 2004, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public hearings to be held on: HB 801, HB 802, HB 841, HB 895, HB 989

SMALL BUSINESS

Wednesday, January 28, 2004, Hearing Room 3, 1:00 p.m. or upon adjournment.

Office of Administration and Department of Transportation will be present to answer questions regarding MBE/WBE/DBE Certification.

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 7.

Public hearing to begin at 1:00 p.m.

Public hearings to be held on: HB 921, HB 960

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 4.

Executive Session may follow. Lunch will be served.

Public hearings to be held on: HB 1268, HB 1211

HOUSE CALENDAR

TWELFTH DAY, WEDNESDAY, JANUARY 28, 2004

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 1001 and HB 1014

HOUSE BILLS FOR SECOND READING

HB 1271 through HB 1285

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

- 1 HB 969, as amended - Cooper (120)
- 2 HCS HB 946, 1106 & 952 - Crawford (117)
- 3 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 4 HCS HB 950 & 948 - Mayer (159)

HOUSE RESOLUTIONS

- 1 HR 4, (1-22-04, Page 124) - Lembke (85)
- 2 HR 120, (1-22-04, Pages 124-128) - Crowell (158)