

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 4, 2004

The House met pursuant to adjournment.

Representative Angst in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, in Your Word, You have said, "Where there is no guidance the people fall, but in the abundance of counselors there is victory." So we fall not, for we seek much counsel from You.

May You give us, by Your grace, unending encouragement and unfailing hope. May You inspire us with courage and confidence in every good thing we say or do.

Where there is stress and anxiety, we ask for peace and rest. We may make our plans, but we ask You to direct our hearts.

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

In Your Son's name 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: Malcom Nolan Fares.

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

AYES: 153

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Ice	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
Miller	Moore	Morris	Muckler	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Pratt	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Thompson	Threlkeld	Townley	Viebrock	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 001

Sager

PRESENT: 000

ABSENT WITH LEAVE: 008

Avery	Boykins	Crawford	Dempsey	El-Amin
Portwood	Purgason	Shoemaker		

VACANCIES: 001

HOUSE RESOLUTIONS

Representatives Black and Lowe offered House Resolution No. 372.
Representative Henke, et al, offered House Resolution No. 390.
Representative Wilson (42), et al, offered House Resolution No. 392.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 373 - Representative Skaggs
House Resolution No. 374 - Representatives LeVota and Skaggs
House Resolution No. 375 - Representative Witte
House Resolution No. 376 - Representative Hobbs
House Resolution No. 377
through
House Resolution No. 385 - Representative Kingery
House Resolution No. 386 - Representative Wilson (130)
House Resolution No. 387 - Representative Lager
House Resolution No. 388 - Representatives Guest and Lager
House Resolution No. 389 - Representative Lager
House Resolution No. 391 - Representative Wagner

House Resolution No. 393

and

House Resolution No. 394 - Representative Riback Wilson (25)

House Resolution No. 395 - Representative Witte

INTRODUCTION OF HOUSE BILLS

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

HB 1369, introduced by Representatives Jetton and Crowell, relating to civil actions for damages.

HB 1370, introduced by Representatives Dempsey, Cooper (120), Hanaway, Bearden, Smith (14), Jetton, Pearce and Sutherland, relating to tax credit accountability.

HB 1371, introduced by Representatives Dempsey, Portwood, Hanaway, Rupp, Smith (14), Stefanick, Walton, Dougherty, Willoughby, Schlottach, Dixon, Jetton, St. Onge and Reinhart, relating to the Missouri homestead preservation act.

HB 1372, introduced by Representatives Skaggs, Kelly (36), Daus, LeVota, Henke, Zweifel, Barnitz, Bishop, Sager, Abel, Walsh, Selby, Swinger, Hubbard and Hoskins, relating to license plates.

HB 1373, introduced by Representative Haywood, relating to retirement for state employees.

HB 1374, introduced by Representatives Crawford, Rector, Muckler, Sutherland, Moore, Reinhart, Cunningham (86), Sander, Wilson (130), Jetton, Hanaway, McKenna, Threlkeld, Icet, Crowell, Kuessner, Kingery, Bivins, Henke, Engler and Black, relating to the state's policy of protection of human life.

HB 1375, introduced by Representatives Crawford, Sander and Jetton, relating to the agricultural production contract code.

HB 1376, introduced by Representatives Ward, Harris (23), Barnitz, Hampton, Carnahan, Wildberger, Yaeger and Kuessner, relating to controlled substances.

HB 1377, introduced by Representatives Sutherland, Smith (118), Johnson (47) and Brown, relating to expenses of county planning commissions.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 49 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1356 through **HB 1368** were read the second time.

Speaker Hanaway assumed the Chair.

PERFECTION OF HOUSE BILL

HCS HB 1177, as amended, relating to concentrated animal feeding operations, was taken up by Representative Guest.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1177, Section 640.710, Pages 3 and 4, Lines 40 to 43, by deleting all of said lines and inserting in lieu thereof the following:

"Provided however, local governing bodies may impose controls more restrictive than the provisions of sections 640.703 to 640.758 if prior to imposing more restrictive controls, the local governing body shall seek and receive a recommendation from the respective soil and water conservation district board. Such recommendation shall be based on peer-reviewed scientific and economic data that clearly documents the geological, environmental, and economic impact of the more restrictive controls. If no recommendation is received from the respective soil and water conservation district board within one hundred eighty days, the local governing body may impose the more restrictive controls."; and

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

Representative Angst resumed the Chair.

On motion of Representative Guest, **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1177, Page 2, Section 640.703, Line 15, by inserting immediately after the figure "**2003**" the following:

"except that the quantity referring to chickens in 40 CFR 122.23(b)(4)(x) shall be one hundred thousand";
and

Further amend said bill, Page 2, Section 640.703, Line 29, by inserting immediately after the figure "**2003**" the following:

"except that the quantity referring to chickens in 40 CFR 122.23(b)(6)(i)(J) shall be thirty thousand to ninety-nine thousand nine hundred ninety-nine"; and

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

Representative Stevenson offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 1177, Line 5, by inserting immediately after “(X)” the following: “**for the purposes of sections 680.703 to 680.758**”; and

Further amend said amendment, Line 9, by inserting immediately after “(J)” the following: “**for purposes of sections 640.703 to 640.758**”.

On motion of Representative Stevenson, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Wood, **House Amendment No. 3, as amended**, was adopted by the following vote:

AYES: 153

Abel	Angst	Baker	Barnitz	Bearden
Behnen	Bishop	Bivins	Black	Bland
Bough	Bringer	Brooks	Brown	Bruns
Burnett	Byrd	Campbell	Cooper 120	Cooper 155
Corcoran	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Hunter	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Thompson	Threlkeld	Townley	Viebrock	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bean	Boykins	Carnahan	Crawford
El-Amin	Lawson	Purgason	Shoemaker	

VACANCIES: 001

Speaker Pro Tem Jetton assumed the Chair.

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

Representative Goodman raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

HCS HB 1177, as amended, 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 Representative Angst.

HOUSE RESOLUTION

Representatives Bruns and Deeken offered House Resolution No. 397.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 396	-	Representative Cooper (155)
House Resolution No. 398	-	Representative Icet
House Resolution No. 399	-	Representative Dethrow
House Resolution No. 400		
through		
House Resolution No. 402	-	Representative Hunter
House Resolution No. 403	-	Representative Rupp
House Resolution No. 404		
and		
House Resolution No. 405	-	Representative Lager
House Resolution No. 406	-	Representative Hilgemann

INTRODUCTION OF HOUSE BILLS

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

HB 1378, introduced by Representatives Pearce, Davis (122), Seigfreid, Lager, Dixon, Bishop, Stefanick and Dempsey, relating to the no-call list.

HB 1379, introduced by Representatives Johnson (47), Guest and Wildberger, relating to the rehabilitation of certain offenders.

HB 1380, introduced by Representatives Lager, Wasson, Jetton, Cunningham (86), Wallace, Baker, Bivins, Stevenson, Wilson (130), Bearden, Guest, Dempsey, Wilson (119), Schlottach, Reinhart, Crowell, Portwood, Dusenberg, Brown, Behnen, Munzlinger, Byrd, Bruns, Deeken, Lipke, Rupp, Goodman, Richard, Sutherland, Angst, Smith (118), Cunningham (145), Bough, Self, Quinn, Kelly (144), Phillips, Sander, Ervin, Emery, May, Davis (122), Bean, Threlkeld, Kingery, Hobbs, Yates, Roark, Dixon, Black, Ruestman, Mayer, Myers, Pearce, Stefanick, Dethrow, Wood, Morris, Moore, Rector, Hanaway, Townley, Barnitz, King, Schaaf, Taylor, Wright, Purgason, Wagner, Lawson, Campbell, Nieves, Willoughby, Wildberger, Skaggs, Kratky, Kuessner, Shoemyer, Ransdall, Hampton, Pratt, Icet, Cooper (155), Luetkemeyer, Smith (14), LeVota and Parker, relating to state aid for schools.

HB 1381, introduced by Representatives Jackson, Jetton, Baker, Dusenberg, Brown and Bough, relating to veterans' outreach and education programs.

HB 1382, introduced by Representatives Jackson, Jetton, Brown, Baker, Dusenberg and Bough, relating to the veterans' historical education trust fund.

HB 1383, introduced by Representatives Townley and Brown, relating to sewer companies.

HB 1384, introduced by Representatives Sanders Brooks, Kelly (36), Byrd, Curls, Salva, Wilson (42), Jolly, Parker, Hubbard, Johnson (61), Bishop, Johnson (90), Curls, Ward and Hoskins, relating to records.

HB 1385, introduced by Representatives Dixon, Bough, Wood, Schneider, Cunningham (86), Lembke, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Dempsey, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Jolly, Wilson (42), Mayer, Nieves, Bruns, Burnett, Corcoran, Dusenberg, Kelly (36), Kelly (144), Kuessner, Sander, St. Onge, Swinger, Bivins, Muckler and Stefanick, relating to abuse of authority over a child.

HB 1386, introduced by Representatives Dixon, Bough, Jolly, Wood, Schneider, Lembke, Wildberger, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Dempsey, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Mayer, Nieves, Bruns, Burnett, Dusenberg, Kelly (36), Kelly (144), Sander, St. Onge, Swinger, Bivins and Muckler, relating to prior, persistent, and predatory sexual offenders.

HB 1387, introduced by Representatives Dixon, Bough, Jolly, Wood, Schneider, Lembke, Bean, Wildberger, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Bringer, Wilson (42), Mayer, Nieves, Bruns, Burnett,

Dusenberg, Goodman, Kelly (36), Kelly (144), Sander, St. Onge, Swinger, Bivins and Stefanick, relating to sex offender registration.

HB 1388, introduced by Representatives Dixon, Bough, Wood, Schneider, Jolly, Lembke, Wildberger, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Nieves, Bruns, Burnett, Dusenberg, Goodman, Kelly (36), Kelly (144), Sander, St. Onge, Swinger, Bivins and Stefanick, relating to sex offender registration.

HB 1389, introduced by Representatives Dixon, Cunningham (86), Jolly, Ruestman, Bough, Wood, Schneider, Lembke, Wildberger, Witte, Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Bringer, Nieves, Bruns, Burnett, Dusenberg, Kelly (36), Kelly (144), St. Onge, Swinger, Bivins and Stefanick, relating to sexual offenders.

HB 1390, introduced by Representatives Dixon, Bough, Cooper (120), Wood, Schneider, Lembke, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Selby, Nieves, Bruns, Corcoran, Dusenberg, Kelly (36), Kelly (144), Kuessner, Sander, St. Onge, Swinger, Bivins, Stefanick and Lipke, relating to expenses and costs of commitment to a county jail.

HB 1391, introduced by Representatives Dixon, Ruestman, Bough, Wood, Schneider, Lembke, Witte, Wilson (130), Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Nieves, Bruns, Corcoran, Dusenberg, Kelly (36), Kelly (144), Kuessner, Sander, St. Onge, Swinger, Bivins, Stefanick and Lipke, relating to escape.

HB 1392, introduced by Representatives Dixon, Bough, Wood, Schneider, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Dempsey, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Nieves, Bruns, Corcoran, Dusenberg, Goodman, Kelly (36), Kelly (144), Kuessner, Sander, St. Onge, Swinger, Bivins and Lipke, relating to a Missouri state highway patrol web page.

HB 1393, introduced by Representatives Dixon, Bough, Wood, Schneider, Witte, Wilson (130), Ruestman, Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Threlkeld, Marsh, Nieves, Bruns, Corcoran, Dusenberg, Kelly (36), Kelly (144), Kuessner, Sander, St. Onge, Swinger and Bivins, relating to court costs.

HB 1394, introduced by Representatives Dixon, Ruestman, Bough, Wood, Schneider, Witte, Wilson (130), Viebrock, Sutherland, Yates, Luetkemeyer, Parker, Icet, Wright, Morris, Roark, Threlkeld, Marsh, Nieves, Bruns, Dusenberg, Kelly (36), Kelly (144), Kuessner, St. Onge, Swinger and Bivins, relating to sex offender registration.

HB 1395, introduced by Representatives Cunningham (86) and Stefanick, relating to property taxation.

HB 1396, introduced by Representatives Cunningham (86) and Sander, relating to the visibility of street addresses.

HB 1397, introduced by Representatives Wilson (130), Hunter, Cunningham (86), Ruestman, Richard, Emery, Munzlinger, Kelly (144), Nieves, Portwood, Jetton, Sutherland, Angst, Phillips, Smith (118), Jackson, Self, Threlkeld, Crowell, Dempsey, Wasson, King, Bivins, Wallace, Wilson (119), Dusenberg, Schlottach, Myers, Black, Bearden, Brown, Morris, Schaaf, Reinhart, Marsh, Wright, Roark, Cooper (120), Hobbs, Lager, Dixon, Dethrow, Cunningham (145), Quinn, Taylor, Engler, Kingery, Icet, Deeken, May, Rector, Rupp, Baker, Wood, Purgason, Davis (19), Stefanick, Viebrock, Luetkemeyer, Ervin, Behnen, Sander, Pearce, Johnson (47), Guest, Bough, Pratt, Yates and Cooper (155), relating to workers' compensation.

PERFECTION OF HOUSE BILL

HCS HB 1177, as amended, relating to concentrated animal feeding operations, was again taken up by Representative Guest.

On motion of Representative Guest, **HCS HB 1177, as amended**, was adopted by the following vote:

AYES: 100

Angst	Baker	Barnitz	Bearden	Behnen
Bivins	Black	Bough	Boykins	Bringer
Brown	Bruns	Byrd	Cooper 120	Cooper 155
Crowell	Cunningham 145	Cunningham 86	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Engler	Ervin	Fares	Goodman
Guest	Hampton	Henke	Hobbs	Holand
Hunter	Icet	Jackson	Jetton	Jones
Kelly 144	Kelly 36	King	Kingery	Lager
Lawson	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
Seigfreid	Self	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Threlkeld	Townley	Viebrock	Villa	Wallace
Walton	Wasson	Whorton	Wilson 119	Wilson 130
Witte	Wood	Wright	Yates	Madam Speaker

NOES: 053

Abel	Bishop	Bland	Brooks	Burnett
Campbell	Carnahan	Corcoran	Curls	Darrough
Daus	Donnelly	Fraser	George	Graham
Green	Harris 110	Harris 23	Hilgemann	Hoskins
Hubbard	Johnson 47	Johnson 61	Johnson 90	Jolly
Kratky	LeVota	Liese	Lowe	McKenna
Meiners	Muckler	Page	Ransdall	Sager
Salva	Schoemehl	Selby	Shoemyer	Skaggs
Spreng	Thompson	Vogt	Wagner	Walker
Walsh	Ward	Wildberger	Willoughby	Wilson 25
Wilson 42	Young	Zweifel		

PRESENT: 002

Dougherty Kuessner

ABSENT WITH LEAVE: 007

Avery Bean Crawford El-Amin Haywood
Shoemaker Yaeger

VACANCIES: 001

On motion of Representative Guest, **HCS HB 1177, as amended**, was ordered perfected and printed.

HOUSE RESOLUTION

HR 120, relating to the Rules of the House, was taken up by Representative Crowell.

Representative Crowell offered **HS HR 120**.

Representative LeVota offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Resolution No. 120, Page 10, Rule 45 (g), Line 24, by inserting immediately after said line the following:

“6. No appropriation bill will make appropriations in a single lump-sum amount to any one executive department, except as provided by the constitution.”.

Representative LeVota moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122
Donnelly	Dougherty	Fraser	George	Graham
Green	Hampton	Harris 110	Harris 23	Henke
Hilgemann	Hoskins	Hubbard	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	Lawson	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	Young	Zweifel

NOES: 083

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

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bean	Crawford	El-Amin	Haywood
Miller	Moore	Shoemaker	Yaeger	

VACANCIES: 001

Representative Harris (23) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Resolution No. 120, Page 7, Lines 12 through 23, by deleting all of said lines and inserting in lieu thereof the following:

“Committee Hearings

Rule 27. **A bill must be assigned to the committee before the Chairman posts notice that the bill will be heard.** All bills referred to committees shall be considered by giving the author, the proponents and the opponents a reasonable opportunity to be heard. A committee chair shall not restrict the length of testimony of any witness nor the length of questioning of any witness by a committee member except that the "15 minute rule" shall apply. At the Chair's discretion, the "15 minute rule" may be extended. The "15 minute rule" may only be shortened by the unanimous consent of the committee members present when such waiver is proposed. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so. The time limits set forth in this rule shall apply to witnesses as well as members.”.

Speaker Pro Tem Jetton resumed the Chair.

Speaker Hanaway resumed the Chair.

Representative Harris (23) moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 069

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

NOES: 085

Angst	Baker	Bearden	Behnen	Bivins
Black	Bough	Brown	Bruns	Byrd
Cooper 120	Cooper 155	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	Lager	Lembke	Lipke
Luetkemeyer	Marsh	May	Mayer	Moore
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Wasson	Wilson 119
Wilson 130	Wood	Wright	Yates	Madam Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Avery	Bean	Crawford	Curls	El-Amin
Haywood	Miller	Yaeger		

VACANCIES: 001

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

House Amendment No. 3

AMEND House Substitute for House Resolution No. 120, Page 7, Section 27, Line 23, by deleting the period at the end of said line and inserting at the end of said line the following:

“, provided, however, that the time allowed proponents and opponents shall be substantially equal.”.

Representative Donnelly moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Darrough	Daus	Davis 122	Donnelly
Dougherty	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
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	Young	Zweifel		

NOES: 085

Angst	Baker	Bearden	Behnen	Bivins
Black	Bough	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crowell	Cunningham 145	Cunningham 86
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Dusenberg	Emery	Engler	Ervin	Goodman
Guest	Hobbs	Holand	Hunter	Icet
Jackson	Jetton	Johnson 47	Kelly 144	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	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: 001

Fares

ABSENT WITH LEAVE: 008

Avery	Bean	Crawford	Curls	El-Amin
Haywood	Shoemaker	Yaeger		

VACANCIES: 001

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

Representative Crowell raised a point of order that **House Amendment No. 4** is dilatory.

The Chair ruled the point of order well taken.

Representative Seigfreid offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Substitute for House Resolution No. 120, Page 3, Rule 25(9)(b), Line 36, by inserting immediately after the “.” on said line the following: “**Prior to the Speaker restating the motion before the house the Speaker shall open the pending measure for discussion.**”.

Representative Ransdall offered **House Substitute Amendment No. 1 for House Amendment No. 5.**

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND House Substitute for House Resolution No. 120, Page 3, Rule 25(9)(b), Lines 15 through 17, by deleting all of said lines and insert in lieu thereof the following:

“Committee on Budget. **Such motion shall only be timely for a House Bill after the bill has been ordered perfected & printed.** The primary sponsor or, in the case of Senate Bill, the floor handler, of a”.

Representative Ransdall moved that **House Substitute Amendment No. 1 for House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
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	Young	Zweifel		

NOES: 085

Angst	Baker	Bearden	Behnen	Bivins
Black	Bough	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crowell	Cunningham 145	Cunningham 86
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Hobbs	Hunter	Iceet
Jackson	Jetton	Johnson 47	Kelly 144	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	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: 009

Avery	Bean	Carnahan	Crawford	El-Amin
Haywood	Holand	Shoemaker	Yaeger	

VACANCIES: 001

Representative Seigfreid moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Johnson (90) offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Resolution No. 120, Page 1, Line 5, by inserting after the number "53," the number "72"; and

Further amend said resolution, Page 11, Line 3, by inserting after said line the following:

“Previous Question

Rule 72. Any member may move the previous question[.] , **provided that a member of the majority and minority caucuses have been recognized to speak on the question under consideration.** The motion shall be restated by the Speaker in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.”.

Representative Johnson (90) moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Darrough	Daus	Davis 122	Donnelly
Dougherty	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Henke	Hilgemann

Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
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	Young	Zweifel		

NOES: 084

Angst	Baker	Bearden	Behnen	Bivins
Black	Bough	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crowell	Cunningham 145	Cunningham 86
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Hobbs	Hunter	Ice
Jackson	Jetton	Johnson 47	Kelly 144	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	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 010

Avery	Bean	Crawford	Curls	El-Amin
Haywood	Holand	Shoemaker	Taylor	Yaeger

VACANCIES: 001

Representative Seigfreid offered **House Amendment No. 7**.

Representative Pratt raised a point of order that **House Amendment No. 7** is not germane to the House Substitute.

The Chair ruled the point of order well taken.

On motion of Representative Crowell, **HS HR 120** was adopted.

On motion of Representative Crowell, **HS HR 120** was adopted by the following vote:

AYES: 086

Angst	Baker	Bearden	Behnen	Bivins
Black	Bough	Brown	Bruns	Byrd

Cooper 120	Cooper 155	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	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	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Townley	Viebrock	Wallace	Wasson
Wilson 119	Wilson 130	Wood	Wright	Yates
Madam Speaker				

NOES: 067

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

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bean	Crawford	Curls	El-Amin
Haywood	Shoemaker	Ward	Yaeger	

VACANCIES: 001

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 980 - Budget (Fiscal Note)
HB 1200 - Transportation and Motor Vehicles
HB 1244 - Job Creation and Economic Development

COMMITTEE REPORTS

Committee on Rules, Chairman Crowell reporting:

Madam Speaker: Your Committee on Rules, to which was referred **HR 196**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 196

WHEREAS, Campus Compact is a national organization interested in promoting civic engagement on college and university campuses; and

WHEREAS, more than 900 colleges and universities across the country are members of Campus Compact; and

WHEREAS, Missouri is one of 29 states with a Campus Compact organization whose goal is to "help students develop the values and skills of civic participation through involvement in public service"; and

WHEREAS, the Missouri Campus Compact currently has 29 member institutions, both two-year and four-year, from across the state; and

WHEREAS, in cooperation with the Pew Charitable Trusts and National Campus Compact, the Missouri Campus Compact is participating in the two-year "Raise Your Voice" program, which includes conducting dialogues among student leaders on two major questions: 1) What public, civic issues are students interested in? and 2) How are students addressing these issues?; and

WHEREAS, approximately 100 students from across Missouri will participate in the second "Raise Your Voice" program in Jefferson City in February 2004; and

WHEREAS, the first year of the program in 2003 was highly successful and received positive feedback from the participants:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, hereby grant the Missouri Campus Compact permission to use the House Chamber on Thursday, February 12, 2004, from 1:30 p.m. to 3:30 p.m. to conduct the "Raise Your Voice" student dialogues; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives are encouraged to attend this event to become better informed about the perceptions, opinions, and ideas of the next generation of Missouri leaders.

Madam Speaker: Your Committee on Rules, to which was referred **HR 350**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 350

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death; and

WHEREAS, cardiovascular diseases (CVD) are the leading cause of death among women; and

WHEREAS, heart attack, stroke, and other cardiovascular diseases claim the lives of more than half a million women each year - more than the next seven causes of death combined, and nearly twice as many as all forms of cancer, including breast cancer; and

WHEREAS, the cost of cardiovascular diseases and stroke in the United States is estimated at \$352 billion; and

WHEREAS, one of five females in the United States have some form of cardiovascular disease; and

WHEREAS, 63% of women who died suddenly of coronary heart disease had no previous symptoms of this disease; and

WHEREAS, February is designated as American Heart Month; and

WHEREAS, the American Heart Association is launching a new campaign, Go Red for Women, to encourage women to pay attention to their hearts and help them live longer, stronger lives by reducing the risk for cardiovascular disease:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim February 6, 2004, to be "Wear Red for Women Day".

MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 23**.

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, nature has set apart portions of St Charles County and St. Louis County by the waters flowing from the Missouri River; and

WHEREAS, several bridges span the Missouri River in St. Louis County and St. Charles County; and

WHEREAS, three particular bridges spanning the Missouri River between St. Charles County and St. Louis County have been unofficially named for many years; and

WHEREAS, these three particular bridges carry 350,000 motor vehicles daily through St. Charles County and St. Louis County:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby instruct the State Highways and Transportation Commission and the Department of Transportation to take action immediately to designate the bridge crossing the Missouri River between St. Charles and St. Louis County on Interstate 70 the "Blanchette Memorial Bridge"; and

BE IT FURTHER RESOLVED that the State Highways and Transportation Commission and the Department of Transportation take action immediately to designate the bridge crossing the Missouri River on U.S. Route 40/61 the "Daniel Boone Bridge"; and

BE IT FURTHER RESOLVED that the State Highways and Transportation Commission and the Department of Transportation take action immediately to designate the bridge crossing the Missouri River on Highway 370 the "Discovery Bridge"; and

BE IT FURTHER RESOLVED that neither the Missouri Department of Transportation nor the state shall be obligated to provide any funding or remuneration to commemorate or memorialize the three designated bridges; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the State Highways and Transportation Commission and the director of the Department of Transportation.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, February 5, 2004.

COMMITTEE MEETINGS

AGRICULTURE

Tuesday, February 10, 2004, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1126

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Thursday, February 5, 2004, Hearing Room 5 upon morning adjournment.

Testimony from the Department of Agriculture. CANCELLED

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, February 5, 2004, 8:00 a.m. Hearing Room 7.

Department of Revenue and the Office of Administration.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Monday, February 9, 2004, 2:00 p.m. Hearing Room 6.

Public testimony solely for the purpose of the possible closing of the Chillicothe prison.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 10, 2004, 8:00 a.m. Hearing Room 6.

Department of Public Safety and Corrections. Department presentations.

Review Governor's budget recommendations.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 11, 2004, 8:00 a.m. Hearing Room 6.

Department of Public Safety and Corrections. Department presentations.

Review Governor's budget recommendations.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Thursday, February 12, 2004, Hearing Room 6 upon morning adjournment.

Department of Public Safety and Corrections. Department presentations.

Review Governor's recommendations.

BUDGET

Tuesday, February 10, 2004, 8:00 a.m. Hearing Room 3.

Fiscal review HB 980.

Executive session will be held on: HB 1014

CONSERVATION AND NATURAL RESOURCES

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

Executive session may follow.

Public hearing to be held on: HB 1277

EDUCATION

Thursday, February 5, 2004, 8:30 a.m. Hearing Room 7.

CANCELLED

INTERIM COMMITTEE ON WATER QUALITY ISSUES

Thursday, February 5, 2004, Hearing Room 4 upon morning adjournment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, February 5, 2004, Senate Lounge upon adjournment.

19 CSR 20-28.010 Department of Health and Senior Services.

Division of Environmental Health and Communicable Disease Prevention.

Immunization Requirements for School Children.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH, OVERSIGHT SUBCOMMITTEE

Monday, February 9, 2004, 1:00 p.m. Hearing Room 5.

Challenge fiscal note HB 969.

JOINT COMMITTEE ON OUT-OF-SCHOOL PROGRAMS

Friday, February 13, 2004, 8:30 a.m. Senate Lounge.

LOCAL GOVERNMENT

Thursday, February 5, 2004, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 762, HB 913, HB 1070, HB 1071, HB 1095, HB 1161

HOUSE CALENDAR

SEVENTEENTH DAY, THURSDAY, FEBRUARY 05, 2004

HOUSE BILLS FOR SECOND READING

HB 1369 through HB 1397

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 946, 1106 & 952 - Crawford (117)
- 2 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 3 HCS HB 1041 - Cunningham (86)

HOUSE BILL FOR PERFECTION - CONSENT

(2/02/04)

HB 994 - Cunningham (145)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 950 & 948, E.C. - Mayer (159)
- 2 HCS HB 980, (Budget 2-04-04) - Myers (160)
- 3 HCS HB 1182 - Munzlinger (1)
- 4 HCS HB 1177 - Guest (5)

HOUSE RESOLUTIONS

- 1 HR 4, (1-22-04, Page 124) - Lembke (85)
- 2 HR 350, (2-04-04) - Schneider (17)
- 3 HR 196, (2-04-04) - Morris (138)