

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

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TWENTY-FIRST DAY, THURSDAY, FEBRUARY 12, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

(This prayer is attributed to Abraham Lincoln. Let it be our prayer this morning.)

God bless our native land; firm may she ever stand through storm and night; when the wild tempests rave, O Ruler of wind and wave, Thou Who art strong to save, be Thou her might!

For her our prayer shall be, our father's God, to Thee, on whom we wait; be her walls, holiness - her rulers righteousness, in all her homes be peace, God save the state!

Not for this land alone, but be God's mercies shown from shore to shore and may the nations see that men should brothers be, and form one family the wide-world o'er. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twentieth day was approved as corrected by the following vote:

AYES: 152

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Hampton	Harris 110
Harris 23	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Ice	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Marsh	May
Mayer	McKenna	Meadows	Meiners	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall

Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Swinger	Taylor
Thompson	Threlkeld	Townley	Viebrock	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 004

Boykins	Donnelly	Sager	Wilson 25
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PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Carnahan	Haywood	Lawson	Luetkemeyer
Stevenson	Sutherland			

## HOUSE RESOLUTION

Representative Wilson (42) offered House Resolution No. 564.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 504	
through	
House Resolution No. 506	- Representative Miller
House Resolution No. 507	
through	
House Resolution No. 558	- Representative Avery
House Resolution No. 559	- Representative Hanaway
House Resolution No. 560	- Representative Lipke
House Resolution No. 561	- Representative Bearden
House Resolution No. 562	- Representative Kratky
House Resolution No. 563	- Representative Sander
House Resolution No. 565	- Representative Bough
House Resolution No. 566	- Representatives May and Hampton
House Resolution No. 567	- Representative Hunter
House Resolution No. 568	- Representative Fares
House Resolution No. 569	- Representative Lager
House Resolution No. 570	- Representative Taylor
House Resolution No. 571	- Representatives Taylor and Goodman

## INTRODUCTION OF HOUSE BILLS

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

**HB 1472**, introduced by Representatives Lowe and Townley, relating to renewable energy resources.

**HB 1473**, introduced by Representative Skaggs, relating to transportation safety.

**HB 1474**, introduced by Representatives Abel, George, Wagner, Lowe, Walsh, Davis (122), Walker, Henke, Villa, Selby, Seigfreid, Corcoran, Hilgemann, Wildberger, Skaggs, Dougherty, Spreng, McKenna, Green, LeVota, Carnahan, Liese, Salva, Kratky, Bringer, Swinger, Barnitz, Ward, Darrough, Moore, Meiners, Donnelly, Riback Wilson (25), Yaeger, Harris (110), Witte, Sanders Brooks, Daus, Johnson (90), Jones, Hoskins, Hubbard, Campbell, Burnett, Zweifel, Bland, Whorton, Curls, Muckler, Vogt, Schoemehl, Young, Wilson (42), Kuessner, Ransdall, Shoemyer, Willoughby, Page, Haywood, Johnson (61), Jolly, Kelly (36), Fraser, Hampton, Bishop and Meadows, relating to state purchasing.

**HB 1475**, introduced by Representatives Schneider, Johnson (47), Hubbard, Ruestman, Quinn, Schaaf, Lipke, Reinhart, Wood, Engler, Moore, Bearden, Dusenberg, Hunter, Wallace, Schlottach, Bean, King, Stevenson, Dempsey, Morris, Roark, Wilson (130), Behnen, Goodman, Stefanick, Icet, Jackson, Angst, Pearce, Graham, Shoemyer, Smith (14), Parker, Cooper (155), Dixon, Villa, Salva, Bland, Thompson, Davis (19), Jones, Liese, Hampton, El-Amin and Jolly, relating to sewerage services.

**HB 1476**, introduced by Representative Richard, relating to a sales tax for economic development purposes.

**HB 1477**, introduced by Representatives Schaaf, Page, Cooper (155), Bean, Ruestman, Bivins, Shoemaker, Holand, Threlkeld, Jetton, Kingery, Bough, Moore, Yates and Dusenberg, relating to the Missouri hospital infection control act of 2004.

**HB 1478**, introduced by Representatives Ruestman, Hunter and Wilson (130), relating to the prevailing wage.

**HB 1479**, introduced by Representatives Icet, Portwood, Stefanick, Cunningham (86), Lembke, Bivins, Dixon, Hanaway, Dempsey, Purgason, Jackson, Parker, Crawford, Taylor, Mayer, Stevenson, Dusenberg, St. Onge, Nieves and Kelly (36), relating to police officer residency requirements.

**HB 1480**, introduced by Representatives Rupp, Smith (14), Kelly (36), Lembke, Bruns, Dempsey, Johnson (90), Kelly (144), Threlkeld, Nieves, Rector, Hobbs, Dusenberg, Portwood, Pratt, Stevenson, Dixon, Bean, Jetton, Stefanick, Selby, Hampton, Wagner, Seigfreid, Jolly, Hilgemann, George, Muckler, Vogt, Spreng, Carnahan, Davis (122), Lowe, Campbell, Barnitz, Green, Zweifel, Darrough, Corcoran, Skaggs, Liese, Walsh, Bishop, Henke, Swinger, McKenna, Graham, Meiners, Kuessner, Abel, Ransdall, Bringer, Sager and Schneider, relating to law enforcement officers.

**HB 1481**, introduced by Representatives Sager, Harris (23), Carnahan, Jolly, Meiners, Kuessner, Young, LeVota, Burnett, Wildberger, Sanders Brooks, Yaeger, Kratky, Jetton and Wilson (42), relating to adoption awareness.

**HB 1482**, introduced by Representatives Portwood, Jetton, Hanaway, Crowell, Icet, Threlkeld, Wright and Dempsey, relating to police officer residency requirements.

**HB 1483**, introduced by Representatives Haywood, Sanders Brooks, Johnson (61), Walton, Wilson (42), El-Amin, Boykins, Jones, Hoskins and Thompson, relating to the use of credit scoring for insurance purposes.

**HB 1484**, introduced by Representatives Smith (118), Lipke, Dixon, Crowell, Schlottach, Stevenson and Bishop, relating to township planning and zoning.

**HB 1485**, introduced by Representatives Smith (118), Lipke, Dixon, Crowell, Schlottach, Stevenson and Bishop, relating to local planning.

## **SECOND READING OF HOUSE BILLS**

**HB 1460** through **HB 1471** were read the second time.

## **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 27** - Conservation and Natural Resources

**HJR 29** - Elections

**HJR 31** - Transportation and Motor Vehicles

**HJR 32** - Budget

**HJR 37** - Elections

**HJR 44** - Education

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 800** - Senior Security

**HB 867** - Crime Prevention and Public Safety

**HB 1045** - Local Government

**HB 1090** - Financial Services

**HB 1097** - Special Committee on Urban Issues

**HB 1116** - Job Creation and Economic Development

**HB 1118** - Transportation and Motor Vehicles

**HB 1122** - Transportation and Motor Vehicles

**HB 1125** - Budget

**HB 1175** - Small Business  
**HB 1184** - Local Government  
**HB 1191** - Education  
**HB 1192** - Agriculture  
**HB 1223** - Financial Services  
**HB 1225** - Local Government  
**HB 1226** - Homeland Security and Veterans Affairs  
**HB 1227** - Job Creation and Economic Development  
**HB 1234** - Communications, Energy and Technology  
**HB 1238** - Agriculture  
**HB 1248** - Local Government  
**HB 1249** - Elections  
**HB 1291** - Financial Services  
**HB 1307** - Health Care Policy  
**HB 1315** - Education  
**HB 1329** - Crime Prevention and Public Safety  
**HB 1330** - Crime Prevention and Public Safety  
**HB 1331** - Education  
**HB 1334** - Professional Registration and Licensing  
**HB 1339** - Children and Families  
**HB 1347** - Special Committee on General Laws  
**HB 1354** - Judiciary  
**HB 1355** - Judiciary  
**HB 1356** - Retirement  
**HB 1357** - Retirement  
**HB 1364** - Judiciary  
**HB 1366** - Transportation and Motor Vehicles  
**HB 1371** - Senior Security  
**HB 1376** - Crime Prevention and Public Safety  
**HB 1377** - Local Government  
**HB 1381** - Homeland Security and Veterans Affairs  
**HB 1382** - Tax Policy  
**HB 1383** - Conservation and Natural Resources  
**HB 1384** - Judiciary  
**HB 1396** - Transportation and Motor Vehicles  
**HB 1398** - Local Government  
**HB 1401** - Transportation and Motor Vehicles  
**HB 1402** - Special Committee on General Laws  
**HB 1403** - Crime Prevention and Public Safety  
**HB 1404** - Judiciary  
**HB 1405** - Transportation and Motor Vehicles  
**HB 1406** - Education  
**HB 1407** - Local Government  
**HB 1408** - Transportation and Motor Vehicles  
**HB 1409** - Job Creation and Economic Development

**HB 1411** - Special Committee on General Laws  
**HB 1420** - Tax Policy  
**HB 1421** - Job Creation and Economic Development  
**HB 1426** - Job Creation and Economic Development  
**HB 1433** - Conservation and Natural Resources  
**HB 1434** - Senior Security  
**HB 1435** - Tax Policy  
**HB 1436** - Crime Prevention and Public Safety  
**HB 1439** - Transportation and Motor Vehicles  
**HB 1442** - Transportation and Motor Vehicles  
**HB 1444** - Corrections and State Institutions  
**HB 1451** - Education  
**HB 1452** - Education  
**HB 1453** - Children and Families  
**HB 1454** - Local Government  
**HB 1460** - Judiciary  
**HB 1461** - Judiciary  
**HB 1462** - Local Government

#### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

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

**SS SCR 26** - Agriculture

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 739** - Agriculture  
**SCS SB 758** - Tax Policy  
**SCS SB 767** - Transportation and Motor Vehicles  
**SB 769** - Local Government  
**SB 770** - Transportation and Motor Vehicles  
**SCS SB 782** - Local Government  
**SCS SB 789** - Local Government  
**SB 932** - Workforce Development and Workplace Safety  
**SCS SBs 942, 850 & 841** - Local Government  
**SCS SB 1006** - Transportation and Motor Vehicles  
**SB 1028** - Budget

## **WITHDRAWAL OF HOUSE BILL**

February 12, 2004

Stephen S. Davis  
Chief Clerk  
House of Representatives  
Jefferson City, Missouri 65101

Dear Stephen:

I would like to request that **House Bill 1351** be withdrawn.

Thank you for your consideration in this matter.

Sincerely,

/s/ Danie Moore

The following member's presence was noted: Lawson.

## **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 4:00 p.m., Monday, February 16, 2004.

## **CORRECTIONS TO THE HOUSE JOURNAL**

### **AFFIDAVITS**

I, State Representative Amber Boykins, District 60, hereby state and affirm that my vote as recorded on Pages 296, 297 and 301 of the House Journal for Wednesday, February 11, 2004 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 12th day of February 2004.

/s/ Amber Boykins  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 12th day of February in the year 2004.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Steve Hunter, District 127, hereby state and affirm that my vote as recorded on Page 297 of the House Journal for Wednesday, February 11, 2004 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 12th day of February 2004.

/s/ Steve Hunter  
State Representative

State of Missouri        )  
                                      ) ss.  
County of Cole         )

Subscribed and sworn to before me this 12th day of February in the year 2004.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Mark Hampton, District 147, hereby state and affirm that my vote as recorded on Page 301 of the House Journal for Wednesday, February 11, 2004 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 12th day of February 2004.

/s/ Mark Hampton  
State Representative

State of Missouri        )  
                                      ) ss.  
County of Cole         )

Subscribed and sworn to before me this 12th day of February in the year 2004.

/s/ Stephen S. Davis  
Chief Clerk

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**COMMITTEE MEETINGS**

**AGRICULTURE**

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearings to be held on: HB 1176

**APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 4.

Mark up for the Department of Natural Resources.

Hearing may continue at 2:30 p.m. or upon afternoon adjournment.



APPROPRIATIONS - EDUCATION

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 1.

Mark up will be held on: HB 1002

APPROPRIATIONS - EDUCATION

Wednesday, February 18, 2004, 3:00 p.m. Hearing Room 1.

Mark up on HB 1002 continued and possible mark up on HB 1003.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 16, 2004, 2:00 p.m. Hearing Room 7.

Office of Administration, Office of the State Treasurer and Office of the Attorney General.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 17, 2004, 8:30 a.m. Hearing Room 7.

Office of Administration, Office of the State Treasurer and Office of the Attorney General.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 16, 2004, 12:00 p.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. AMENDED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 18, 2004, 8:00 a.m. Hearing Room 3.

Public testimony. Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 19, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Monday, February 16, 2004, 12:00 p.m. Hearing Room 6.

Mark up for the Departments of Labor, Insurance, Transportation, and Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 5.

Mark up for the Departments of Labor, Insurance, Transportation, and Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 18, 2004, 3:00 p.m. Hearing Room 5.

Mark up for the Departments of Labor, Insurance, Transportation, and Economic Development.

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Tuesday, February 17, 2004, Hearing Room 3 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 1156, HB 1171, HB 766

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 17, 2004, Hearing Room 3 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: HB 1059, HB 918, HB 1311, HB 1387, HB 1388, HB 1243

ELECTIONS

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 900, HB 1150, HB 1039

Executive session will be held on: HB 949, HB 962

ETHICS

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 4.

MO Forest Products Caucus, Dairy Caucus and Forming Arts Caucus.

Executive session may follow.

FINANCIAL SERVICES

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 936, HB 938, HB 1159, HB 990

Executive session will be held on: HB 1198

HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 957, HB 1152

JOINT COMMITTEE ON CORRECTIONS

Thursday, February 19, 2004, 8:30 a.m. Hearing Room 5.

Regular business meeting.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 26, 2004, Hearing Room 5 upon morning adjournment of both Chambers.

Report from the Revision Subcommittee.

Oversight program evaluation on the Office of Administration,

Division of Facilities Management, State leasing practices. Any other business.

JOINT COMMITTEE ON OUT-OF-SCHOOL PROGRAMS

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

**LOCAL GOVERNMENT**

Thursday, February 19, 2004, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 975, HB 880, HB 843, HB 1042, HB 947

**SENIOR SECURITY**

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 1230, HB 1302

**SMALL BUSINESS**

Wednesday, February 18, 2004, Hearing Room 4, noon or upon adjournment.

Public hearing to be held on: HB 1286

**SPECIAL COMMITTEE ON GENERAL LAWS**

Thursday, February 19, 2004, 8:00 a.m. Hearing Room 4.

Executive session possible.

Public hearings to be held on: HB 1363, HB 1193

**TAX POLICY**

Tuesday, February 17, 2004, Hearing Room 7, 12:00 p.m. or upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 1267, HB 1343, HB 1235, HB 1308

**TOURISM AND CULTURAL AFFAIRS**

Thursday, February 19, 2004, 9:00 a.m. House Lounge.

Joint committee meeting with the Senate Economic Development, Tourism and Local Government Committee.

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, February 16, 2004, House Chamber South Side Gallery upon afternoon adjournment.

Executive session.

**HOUSE CALENDAR**

**TWENTY-SECOND DAY, MONDAY, FEBRUARY 16, 2004**

**HOUSE BILLS FOR SECOND READING**

HB 1472 through HB 1485

**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, as amended - Cunningham (86)
- 4 HCS HB 1268 & 1211 - Smith (118)
- 5 HCS HB 978 - Baker (123)
- 6 HCS HB 1380 - Lager (4)

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 980, (Budget 2-04-04) - Myers (160)
- 2 HCS HB 1040, E.C. - Cunningham (86)

**HOUSE BILL FOR THIRD READING - CONSENT**

HB 994 - Cunningham (145)