

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

THIRTIETH DAY, MONDAY, MARCH 1, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, it is written, "When pride comes, then comes dishonor, but with the humble there is wisdom." Therefore we choose to live our lives humbly before You, rejecting pride at every opportunity.

Help us to retain this truth in our hearts: It is better to be patient than powerful. It is better to win control over ourselves than over whole cities.

Grant us the peace and privilege to celebrate our accomplishments on behalf of those we serve and the insight to know that at the end of the day all praise is reserved, without exception, for You.

Now may Your grace rest and abide with us all.

In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

Representative Stefanick assumed the Chair.

The Journal of the twenty-ninth day was approved as corrected by the following vote:

AYES: 150

Abel	Angst	Baker	Barnitz	Bean
Bishop	Black	Bland	Bough	Bringer
Brooks	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	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hobbs	Hoskins	Hubbard	Hunter	Icet
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

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	Stevenson	Sutherland	Swinger	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Ward	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 002

Sager Wilson 25

PRESENT: 000

ABSENT WITH LEAVE: 011

Avery	Bearden	Behnen	Bivins	Boykins
Brown	Carnahan	Guest	Holand	Taylor
Wasson				

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 813 - Representative Bishop, et al
- House Resolution No. 814
- and
- House Resolution No. 815 - Representatives Dusenberg and Pratt
- House Resolution No. 816 - Representative Hanaway
- House Resolution No. 817
- and
- House Resolution No. 818 - Representative Crawford
- House Resolution No. 819
- through
- House Resolution No. 850 - Representative Reinhart
- House Resolution No. 851 - Representative Walker
- House Resolution No. 852 - Representative Myers
- House Resolution No. 853 - Representative Brown
- House Resolution No. 854
- and
- House Resolution No. 855 - Representative Miller
- House Resolution No. 856 - Representative Jones
- House Resolution No. 857 - Representative Wilson (130)
- House Resolution No. 858 - Representative Skaggs
- House Resolution No. 859 - Representative Ward

INTRODUCTION OF HOUSE BILLS

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

HB 1590, introduced by Representatives Portwood and Lembke, relating to the manufacture and production of methamphetamine.

HB 1591, introduced by Representative Morris, relating to marital and family therapy.

HB 1592, introduced by Representative Crawford, relating to commercial motor vehicles.

HB 1593, introduced by Representative Walker, relating to lobbying.

HB 1594, introduced by Representatives Zweifel and Spreng, relating to removal of nuisances.

HB 1595, introduced by Representatives Byrd and Vogt, relating to downtown and rural development.

HB 1596, introduced by Representatives Zweifel and Bishop, relating to residential property insurance.

HB 1597, introduced by Representatives Wilson (119), King, Dethrow, Kingery, Cunningham (145), Angst, Purgason, Bough, Morris, Wilson (130), Richard, Ruestman, Hunter, Myers, Taylor, Dusenberg, Wallace, Bean, Schlottach, Quinn, Lager, Munzlinger, Sander, Brown, Miller, Pearce, Emery, Cooper (120), Smith (118), Guest, Crawford, Moore, Cooper (155), Goodman and Dempsey, relating to rural empowerment zones.

HB 1598, introduced by Representatives Shoemaker, Munzlinger and Bringer, relating to enterprise zones.

HB 1599, introduced by Representatives Ervin, Brown, Morris, Lembke, Pearce, Wilson (119), Bough, Cooper (155), Cunningham (145), Hobbs, Dethrow, Guest, Sander, Icet, Baker, Schneider, Thelkeld, Dusenberg, Nieves, Wood, Smith (14), Dempsey, Cooper (120), Self, Richard, Pratt, Yates, Jetton, Roark and Reinhart, relating to a joint committee on waste, fraud, and abuse.

HB 1600, introduced by Representatives Crawford and Hobbs, relating to concealed carry endorsements.

SECOND READING OF HOUSE BILLS

HB 1573 through **HB 1589** were read the second time.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 35 was read the second time.

SECOND READING OF SENATE BILLS

SB 781, SB 808, SB 1052, SCS SB 1075 and SCS SB 1100 were read the second time.

PERFECTION OF HOUSE BILL

HCS HB 1338, relating to buyers' clubs, was taken up by Representative Wood.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1338, Page 1, Section 407.671, Line 10, by inserting after "(4)" the following:

**"\"Claimant\", any aggrieved consumer or business organization, but does not include any political subdivision of the state;
_____ (5)\"; and**

Further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 3, Section 407.691, Line 2, by deleting the word **"private"** on said line; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1338, Page 3, Section 407.699, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"407.699. 1. Any purchaser of a travel club membership\"; and

Further amend said bill, Page 4, Section 407.699, Line 15, by inserting immediately after **"mailbox,\"** the following:

"certified mail, return receipt requested,\"; and

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

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

On motion of Representative Wood, **HCS HB 1338, as amended**, was adopted.

On motion of Representative Wood, **HCS HB 1338, as amended**, was ordered perfected and printed.

RE-REFERRAL OF HOUSE BILLS

The following House Bills were re-referred to the Committee indicated:

HB 1081 - Crime Prevention and Public Safety

HB 1270 - Budget

LETTER OF RESIGNATION

March 1, 2004

The Honorable Catherine Hanaway
Speaker of the House
Missouri State Capitol
Jefferson City, MO 65101

Dear Madam Speaker:

I hereby notify you of my resignation as chairman of the Homeland Security and Veterans Affairs Committee effective March 2, 2004.

Sincerely,

/s/ Christopher L. Shoemaker

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Brown is no longer a member of the Tourism and Cultural Affairs Committee.

Representative Stefanick is no longer a member of the Children and Families Committee.

Representative Jackson has been appointed Chair of the Homeland Security and Veterans Affairs Committee.

Representative Reinhart has been appointed a member of the Children and Families Committee.

Representative Yates has been appointed a member of the Tourism and Cultural Affairs Committee.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, March 2, 2004.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative B. J. Marsh, District 136, hereby state and affirm that I was present during the session of the House of Representatives on Thursday, February 26, 2004 and that the House Journal inaccurately reflects my absence. Pursuant to House Rule 88, I ask that the Journal be corrected to note my presence in the House Journal for Thursday, February 26, 2004.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 1st day of March 2004.

/s/ B. J. Marsh
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 1st day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Mark Hampton, District 147, hereby state and affirm that my vote as recorded on Page 435 of the House Journal for Thursday, February 26, 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 1st day of March 2004.

/s/ Mark Hampton
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 1st day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

AGRICULTURE

Tuesday, March 2, 2004, 12:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearings to be held on: HCR 10, SS SCR 26

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, March 2, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. Possible mark up.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, March 4, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. Possible mark up.

BUDGET

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

Executive session will be held on: HB 1014, HJR 49

CHILDREN AND FAMILIES

Tuesday, March 2, 2004, Hearing Room 1 upon evening adjournment or 5:00 p.m.

Executive session may follow.

Public hearings to be held on: HB 1349, HB 968

CONSERVATION AND NATURAL RESOURCES

Wednesday, March 3, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 933, HB 1433, HB 1383

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, March 2, 2004, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 1436, HB 1274, HB 788, HB 1330, HB 787

ELECTIONS

Tuesday, March 2, 2004, 5:00 p.m. Hearing Room 7.

Executive session will precede the hearing.

Public hearings to be held on: HB 1494, HJR 29

Executive session will be held on: HB 988, HB 1101, HB 1092

FINANCIAL SERVICES

Tuesday, March 2, 2004, 12:00 p.m. Hearing Room 6.

Possible Executive session.

Public hearings to be held on: HB 1253, HB 1090, HB 1232, HB 1233

HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, March 2, 2004, 5:00 p.m. Hearing Room 5.

Executive session will follow. AMENDED

Public hearing to be held on: HB 1555

Executive session will be held on: HB 1226, HB 1152, HB 1381

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, March 3, 2004, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1370

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 4, 2004, 8:00 a.m. Hearing Room 7.

First quarter meeting.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Monday, March 29, 2004, 1:00 p.m. Senate Lounge.

Topics for discussion. Remarks from MoDOT, Inspector General, MoDOT cleanup legislation, One Stop Shop.

JUDICIARY

Wednesday, March 3, 2004, 12:00 p.m. Hearing Room 1.

Public hearings to be held on: HB 1511, HB 920, HB 821, HB 1213, HB 1354

Executive session will be held on: HB 798, HB 1179, HB 1188, HB 1364

LOCAL GOVERNMENT

Thursday, March 4, 2004, 8:15 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1445, HB 1456, HB 1524, HB 1362, HB 1180

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, March 2, 2004, 12:00 p.m. Hearing Room 4.

Public hearings to be held on: HB 1424, HB 1422, HB 1464, HB 970

Executive session may be held on: HB 1224, HB 985, HB 1197, HB 1399, HB 792, HB 1424

SENIOR SECURITY

Tuesday, March 2, 2004, 5:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 927, HB 1534, HB 1441, SS SCS SB 730

SMALL BUSINESS

Wednesday, March 3, 2004, Hearing Room 4 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 1520

SPECIAL COMMITTEE ON URBAN ISSUES

Tuesday, March 2, 2004, 6:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HB 1097

SUBCOMMITTEE ON COMPETITION AND PRIVATIZATION ON LEGISLATIVE RESEARCH

Thursday, March 4, 2004, Senate Lounge upon subsequent adjournment or 1:00 p.m.

Results of Competition/Privatization follow up questionnaire.

Presentation of Privatization by private groups. Future committee meeting dates and locations and any other business.

TAX POLICY

Tuesday, March 2, 2004, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1210, HB 1099, HB 859, HB 1309

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, March 3, 2004, 12:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 1049, HB 1408, HB 1437, HB 1284, HB 1374

Executive session may be held on: HB 1167, HB 1288, HB 995, HB 996, HB 1366, HB 1405, HB 976, SCS SBs 1144, 919, & 874, HB 977

HOUSE CALENDAR

THIRTY-FIRST DAY, TUESDAY, MARCH 2, 2004

HOUSE BILLS FOR SECOND READING

HB 1590 through HB 1600

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 28 - Roark (139)
- 2 HCS HJR 39, 38, 42 & 47 - Engler (106)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1041, as amended, HSA 1 for HA 10 and HA 10, pending - Cunningham (86)
- 3 HCS HB 978 - Baker (123)
- 4 HCS HB 1380 - Lager (4)
- 5 HCS HB 1304 - Byrd (94)
- 6 HB 841 - Angst (146)
- 7 HCS HB 1055 - Bruns (113)
- 8 HCS HB 1305 - Byrd (94)

HOUSE BILLS FOR PERFECTION - CONSENT

(2/26/2004)

- 1 HCS HB 833 - Luetkemeyer (115)
- 2 HB 938 - Luetkemeyer (115)
- 3 HCS HB 947 - Crawford (117)
- 4 HB 962 - May (149)
- 5 HB 975 - Johnson (47)
- 6 HCS HB 998 & 905 - Sutherland (99)
- 7 HB 1047 - Guest (5)
- 8 HCS HB 1209 - Jetton (156)
- 9 HB 1275 - Wilson (130)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 801 - Smith (118)
- 2 HCS HB 895, E.C. - Emery (126)
- 3 HB 923 - Holand (135)
- 4 HB 932 - Bivins (97)
- 5 HCS HB 955 - Portwood (92)
- 6 HB 960 - Roark (139)
- 7 HB 989, E.C. - Barnitz (150)
- 8 HB 1070 - Miller (133)
- 9 HB 1071, E.C. - Goodman (132)
- 10 HB 1107, HCA 1 - Crawford (117)
- 11 HB 1126 - Seigfreid (26)
- 12 HB 1149 - May (149)
- 13 HCS HB 1198 - Richard (129)

HOUSE BILL WITH SENATE AMENDMENT

SCS HB 916 - Brown (30)

VETOED HOUSE BILL

HCR 5 - Byrd (94)