

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

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SECOND DAY, THURSDAY, JANUARY 8, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

Yesterday, Speaker Hanaway said, "Freedom makes all the difference" between the human progress in our country and that in other countries that are less free.

Let us pray. Lord, our God, we thank You for the priceless gift of freedom. To nearly all of us it came with the gift of being born in this land, this very free society. Therefore, our freedom is Your gift, O Lord.

Your holy word teaches us, "Be free, yet without using freedom as a pretext for evil," (I Peter 2:16). By Your helping grace and Your inspiration may we live up to this word.

Again Your word urges us to remain focused upon the truth, in our daily life and in our work, for "the truth will set you free," (John 8:32). For the sake of those whom we serve, may we live by this word.

Lord God, through our work in the Missouri House of Representatives, help us to play our part in the life of this state, that its attention may be directed toward justice, peace, and the true freedom of all its people.

Finally, we pray for the safety of our men and women in our armed forces, especially those serving in Afghanistan and in Iraq. Their efforts have so much to do with freedom, both in those lands and in our own. Bring them safely back home to us.

All this we ask of You, our God and Father, living and reigning in perfect freedom forever. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 150

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Dougherty	Dusenberg	Emery	Engler	Ervin
Fares	George	Goodman	Graham	Green

Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
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	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	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	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 004

Donnelly	El-Amin	Sager	Wilson 25
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PRESENT: 000

ABSENT WITH LEAVE: 008

Avery	Campbell	Carnahan	Fraser	Holand
Johnson 61	Reinhart	Ward		

VACANCIES: 001

### **SPECIAL RECOGNITION**

Speaker Hanaway recognized Darrell Jackson, former Director of House Research, and presented him with a resolution for his twenty-seven years of service to the Missouri House of Representatives.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

- House Resolution No. 8 - Representative Sutherland
- House Resolution No. 9 - Representative Crowell
- House Resolution No. 10 - Representative Dethrow
- House Resolution No. 11 - Representative Bearden
- House Resolution No. 12
- and
- House Resolution No. 13 - Representative Smith (14)
- House Resolution No. 14
- and
- House Resolution No. 15 - Representative George

- House Resolution No. 16 - Representatives Deeken and Bruns
- House Resolution No. 17 - Representative Yaeger
- House Resolution No. 18 - Representative Jackson
- House Resolution No. 19 - Representative Boykins
- House Resolution No. 20 - Representative Schoemehl
- House Resolution No. 21 - Representative Bean
- House Resolution No. 22 - Representative Lipke
- House Resolution No. 23  
through
- House Resolution No. 25 - Representative Goodman
- House Resolution No. 26 - Representative Willoughby, et al
- House Resolution No. 27 - Representative Dethrow
- House Resolution No. 28 - Representatives Donnelly and Green
- House Resolution No. 29 - Representative Jetton
- House Resolution No. 30 - Representative Crawford

### HOUSE CONCURRENT RESOLUTION

Representative LeVota offered House Concurrent Resolution No. 6.

### INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

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

**HCR 7**, introduced by Representatives Boykins, Johnson (61), Jones, El-Amin and Wilson (42), relating to the declaration of Delta Days in the state of Missouri.

**HCR 8**, introduced by Representatives Boykins, Walton, Haywood, Bland, Johnson (61), Jones, Curls, El-Amin, Sanders Brooks and Wilson (42), relating to a declaration of African American Business Enterprise Day in the state of Missouri.

### INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

**HJR 40**, introduced by Representatives Crowell, Engler, Dusenberg, Townley, King, Sander, Munzlinger, Moore, Stevenson, Ervin, Baker, Stefanick, Yates, Phillips, Reinhart, Sutherland, Smith (14), Icet, Miller, Bivins, Hanaway and Shoemaker, relating to appropriations for public education.

**HJR 41**, introduced by Representatives Crowell, Townley, Stevenson, Ervin, Lipke, Reinhart, Sutherland, Shoemaker and King, relating to the state board of education.

**HJR 42**, introduced by Representatives Baker, Ervin, Crowell, Munzlinger, Phillips, Moore, Myers, Quinn, Emery, Dempsey and Sander, relating to the prohibition of same-sex marriage.

**HJR 43**, introduced by Representative Dougherty, relating to gaming.

**HJR 44**, introduced by Representatives Schoemehl, Bivins, Harris (23), Yaeger, Lembke, Sager, Cooper (155), Jolly, Riback Wilson (25), Walker, Skaggs, Wilson (42), Meiners, Willoughby and Walsh, relating to school district bond elections.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 968**, introduced by Representatives Phillips, Myers, Moore, Reinhart, Ervin, Stevenson, Sander, El-Amin, Emery, Rector, Shoemaker, Dixon and Muckler, relating to temporary assistance for needy families.

**HB 969**, introduced by Representatives Cooper (120), Sutherland, Moore, Stevenson, Dempsey, Schaaf, Hobbs, Richard, Wilson (119), Kingery, Baker, Fares, Munzlinger, Brown, Deeken, Nieves, St. Onge, Rupp, Dusenberg, Hanaway, Engler, Phillips, King, Ervin, Sander, Miller, Mayer, Parker, Dixon, Bivins, Wallace, Bearden, Icet, Schlottach, Crawford, Hunter, Viebrock and Smith (14), relating to Missouri taxable income of corporations.

**HB 970**, introduced by Representatives Portwood, Avery, Schoemehl, Spreng, Schaaf, Stefanick, Moore, Page, Wright, Quinn and Ruestman, relating to dentists and dental hygienists.

**HB 971**, introduced by Representatives Cooper (120) and Skaggs, relating to a private car ad valorem tax credit.

**HB 972**, introduced by Representatives Cooper (120), Engler, Moore, Jetton, Smith (118) and Quinn, relating to speed regulations for motor vehicles within counties.

**HB 973**, introduced by Representative Cooper (120), relating to environmental fees.

**HB 974**, introduced by Representative Dempsey, relating to the number of associate circuit judges.

**HB 975**, introduced by Representatives Johnson (47), Jolly and Campbell, relating to land trusts.

**HB 976**, introduced by Representatives Schlottach, Pearce and Graham, relating to disabled license plates.

**HB 977**, introduced by Representatives Schlottach and Sutherland, relating to special license plates.

**HB 978**, introduced by Representatives Baker, St. Onge, Skaggs, Jetton, Munzlinger, Sander, Phillips, Moore, Guest, Byrd, Crowell, Dusenberg, Hanaway, Kelly (36), Angst, Yates, Stefanick,

Sutherland, Dempsey, Quinn, Cooper (120), Cunningham (145), Wallace, Ervin, Emery, Goodman, Portwood, Smith (118), Lipke, Schaaf, Behnen, Hunter, Rupp, Pearce, Nieves, Purgason, Jackson, Hobbs, Parker, Luetkemeyer, Cooper (155), Brown, McKenna, Pratt, Ictet, Fares, Seigfreid and Dougherty, relating to small businesses.

**HB 979**, introduced by Representatives Lipke, Mayer, Goodman, Crowell, Sutherland, Nieves, Rupp, Threlkeld, Stefanick, Pratt, Yates, Munzlinger and Stevenson, relating to resisting or interfering with arrest.

**HB 980**, introduced by Representatives Myers, Munzlinger, Townley, Quinn, Luetkemeyer, Dethrow, Engler, Hunter and Emery, relating to environmental rules.

**HB 981**, introduced by Representatives Myers, Whorton and Quinn, relating to agricultural demonstration awards.

**HB 982**, introduced by Representatives Baker, Stevenson, Sander, Myers, Sager and Quinn, relating to compulsory school attendance.

**HB 983**, introduced by Representatives Baker and Sander, relating to possession or control of a controlled substance.

**HB 984**, introduced by Representatives Baker and Sander, relating to intoxicating liquor.

**HB 985**, introduced by Representatives Wood, Portwood, Behnen, Skaggs, Jetton, Kratky, Yaeger, Miller, Cunningham (145), Kuessner, Harris (110), Walsh, Vogt, Salva, LeVota, Spreng, Muckler, Dougherty, Schneider, Stevenson, St. Onge, Pearce and Baker, relating to real estate agents.

**HB 986**, introduced by Representatives Ward, Willoughby, Page, Jolly and Byrd, relating to electroconvulsive therapy.

**HB 987**, introduced by Representatives Ward and Page, relating to a prescription monitoring program.

**HB 988**, introduced by Representatives Yates, LeVota, Pratt, Dusenberg, Johnson (47), Meiners and Sager, relating to county political party committee representation.

**HB 989**, introduced by Representatives Barnitz and Kuessner, to authorize the conveyance of property owned by the state in the county of Dent to the city of Salem.

**HB 990**, introduced by Representatives Portwood, Avery, Smith (14), LeVota, Jones, Guest, Wallace, Yates, Rupp, Munzlinger, Lembke, Stefanick, Pratt, Cooper (120), Parker, Dempsey, Bean, Wright, Sander and Skaggs, relating to residential mortgage brokers.

**HB 991**, introduced by Representatives Haywood, Schoemehl, Burnett, Corcoran, Pearce, Nieves, Rupp and Hoskins, relating to police personnel records.

**HB 992**, introduced by Representative Haywood, relating to insurance.

**HB 993**, introduced by Representatives Dougherty and LeVota, relating to property assessments on homesteads.

**HB 994**, introduced by Representatives Cunningham (145), Wilson (119), Miller and Self, relating to court costs in the thirtieth judicial circuit.

**HB 995**, introduced by Representatives Dusenberg, Mayer, Goodman, Holand, Schlottach, May, Wallace and LeVota, relating to bumper height of motor vehicles.

**HB 996**, introduced by Representatives Dusenberg, Mayer, Goodman, Holand, Schlottach, May, Moore, Wallace, Munzlinger, Emery, Shoemyer, Wildberger, Kuessner, Kratky, Dethrow, Salva, McKenna, Hilgemann, Walsh, Dougherty, Henke, Smith (14), Crawford and Jones, relating to school bus inspections.

**HB 997**, introduced by Representative Muckler, relating to the Missouri homestead preservation act.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 5** was read the second time.

#### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 27** through **HJR 39** were read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 762**, **HB 764** through **HB 789**, **HB 791** through **HB 831**, and **HB 833** through **HB 967** were read the second time.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 5** - Rules

#### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 28** - Budget

### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 916** - Crime Prevention and Public Safety

### WITHDRAWAL OF HOUSE BILL

January 8, 2004

Steve Davis  
Chief Clerk  
State Capitol, Room 306C  
Jefferson City, Missouri 65101

Dear Steve,

I would like permission to withdraw **House Bill 839** relating to victim notification.

If you have any questions, please call my office at 751-5226. Thank you.

Sincerely,

/s/ Danie Moore

### ADJOURNMENT

On motion of Representative Wright, the House adjourned until 4:00 p.m, Monday, January 12, 2004.

### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Wednesday, January 7, 2004, Page 10, Line 25, by deleting the name “Muckler”.

Page 17, Line 9, by deleting the name “Muckler”.

Page 20, Line 27, by deleting the name “Davis (122)” and inserting in lieu thereof the name “Davis (19)”.

Page 20, Line 30, by deleting the name “Davis (122)” and inserting in lieu thereof the name “Davis (19)”.

Page 27, Lines 15 and 16, by deleting all of said lines and inserting in lieu thereof the following: “Representative Harris (110) has been appointed a member of the Conservation and Natural Resources Committee”.

## COMMITTEE MEETINGS

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, January 13, 2004, 8:00 a.m. Hearing Room 3.

Public testimony. Health, Mental Health and Social Services.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, January 14, 2004, 8:00 a.m. Hearing Room 3.

Public testimony. Health, Mental Health and Social Services if needed.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 12, 2004, 1:45 p.m. Hearing Room 7.

State Agency tours.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, January 13, 2004, 3:00 p.m. Hearing Room 7.

State Agency tours.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 14, 2004, 3:00 p.m. Hearing Room 7.

Office of Administration, Department of Revenue

### CRIME PREVENTION AND PUBLIC SAFETY

Monday, January 12, 2004, Afternoon adjournment. Hearing Room 3.

Executive Session may follow.

Public Hearing to be held on: HB 916

### RULES

Tuesday, January 13, 2004, 2:00 p.m. Hearing Room 5

Public Hearing to be held on: HCR 5

### JOINT INTERIM COMMITTEE ON EDUCATION

Thursday, January 22, 2004, 12:00 p.m. Senate Committee Room 2.

R. C. Wood & Associates.

### JOINT INTERIM COMMITTEE ON EDUCATION

Monday, January 26, 2004, 11:30 a.m. Hearing Room 7.

Presentation by Dr. John Augenblick.



**HOUSE CALENDAR**

THIRD DAY, MONDAY, JANUARY 12, 2004

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 7 and HCR 8

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 40 through HJR 44

**HOUSE BILLS FOR SECOND READING**

HB 968 through HB 997