

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

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THIRD DAY, MONDAY, JANUARY 12, 2004

The House met pursuant to adjournment.

Representative Smith (118) in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, One from whom all blessings flow, it is written, "Blessed is the one who finds wisdom and the one who gains understanding." Even so, we seek wisdom and divine insight as we begin this week in Your service.

We are asking that You fill us with such wisdom and understanding that we might indeed fulfill Your purpose for this legislative session. We also pray that our outward lives, which men see, would bring credit to You, this state, our families and ourselves.

May we be balanced in our approach to our duties, make adjustments when necessary, and may the timing of our words be exact.

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

In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 151

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brown	Bruns
Burnett	Byrd	Campbell	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Hoskins
Hubbard	Hunter	Jetton	Johnson 47	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	Purgason	Quinn
Ransdall	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sager	Salva	Sander
Schaaf	Schlottach	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	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: 011

Avery	Boykins	Brooks	Carnahan	Darrough
Holand	Icet	Jackson	Johnson 61	Lawson
Schneider				

VACANCIES: 001

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 31 - Representative Sager
- House Resolution No. 32 - Representative Hanaway
- House Resolution No. 33 - Representative Mayer
- House Resolution No. 34 - Representative Bough
- House Resolution No. 35 - Representative Walker
- House Resolution No. 36  
and
- House Resolution No. 37 - Representative Munzlinger
- House Resolution No. 38 - Representative Hobbs
- House Resolution No. 39  
and
- House Resolution No. 40 - Representative Rector
- House Resolution No. 41  
and
- House Resolution No. 42 - Representative May
- House Resolution No. 43  
and
- House Resolution No. 44 - Representative Munzlinger
- House Resolution No. 45 - Representative Whorton
- House Resolution No. 46 - Representative Guest

## INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 45**, introduced by Representatives Yates, Ervin, Pratt, Portwood, Guest, Wilson (130), Baker, Dusenberg, Stevenson, Lembke, Smith (118), Sander, Dougherty, Moore, Hobbs, Myers, Munzlinger and Phillips, relating to transportation revenues.

## INTRODUCTION OF HOUSE BILLS

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

**HB 998**, introduced by Representative Sutherland, relating to eviction notice provisions for manufactured or mobile home land lease communities.

**HB 999**, introduced by Representative Salva, relating to uninsured motorists.

**HB 1000**, introduced by Representatives Crowell, Bearden, Baker, Dusenberg, Engler, Dixon, Angst, Townley, Myers, Sander, King, Moore, Stevenson, Lipke, Ervin, Davis (19), Cunningham (86), Stefanick, Reinhart, Yates, Lembke, Cunningham (145), Sutherland, Smith (14), Jetton, Icet, Miller, Bivins, Kelly (36), Hanaway, Shoemaker and Muckler, relating to public funds.

**HB 1026**, introduced by Representatives Henke, Dougherty and Salva, relating to drivers' licenses.

**HB 1027**, introduced by Representative Luetkemeyer, relating to health benefit plans.

**HB 1028**, introduced by Representative Pratt, relating to requirements for persons administering injections.

**HB 1029**, introduced by Representative Henke, relating to the designation of a memorial highway for veterans.

**HB 1030**, introduced by Representatives Zweifel, Bishop, Harris (23), Green, Darrough, Corcoran, Burnett and George, relating to injured railroad employees.

**HB 1031**, introduced by Representatives Jolly, Bishop, Willoughby and Skaggs, relating to labeling of kegs.

**HB 1032**, introduced by Representatives Cooper (120), Wilson (119), Reinhart, Luetkemeyer, Hanaway, Dusenberg, Muckler, Moore, Sutherland, Stefanick, Munzlinger, Ervin, Smith (118) and Hobbs, relating to adoption tax credits.

**HB 1033**, introduced by Representatives Viebrock, Dixon, Bough, Morris, Taylor, Marsh, Wood, Wright, Roark and Cunningham (145), relating to election of community college district boards of trustees.

**HB 1034**, introduced by Representatives Rector, Richard, Stevenson, Viebrock, Wasson, Wilson (130), Schlottach, Byrd, Bivins, Hunter, Quinn and Ruestman, relating to predetermination of prudence and ratemaking principles for infrastructure investments by utilities.

**HB 1035**, introduced by Representatives Rector, Stevenson, Richard, Viebrock, Wasson, Wilson (130), Schlottach, Hunter, Bivins, Quinn, Wood, Emery and Ruestman, relating to recovery of costs by electrical corporations.

**HB 1036**, introduced by Representatives Yates, Morris, Sutherland, Engler, Baker, Dusenberg, Moore, Stevenson, Munzlinger, Crowell, Pratt, Smith (118), Hampton, Sander, Hobbs, Dougherty, Myers, Smith (14), Portwood and Goodman, relating to sovereign immunity for school districts.

**HB 1037**, introduced by Representatives Yates, Johnson (47), Cooper (155), Morris, Stevenson, Moore, Dusenberg, Sander, Baker, Ervin, Pearce, Smith (118), Hobbs and Pratt, relating to the Dental Carve-Out Act of 2004.

**HB 1038**, introduced by Representatives Yates, Sander, Stevenson, Dusenberg, Hobbs, Pratt, Ruestman and Pearce, relating to drivers' and commercial drivers' licenses.

**HB 1039**, introduced by Representatives Yates, Hobbs, Dusenberg, Stevenson, Pearce, Munzlinger, Wilson (130), Pratt, Sander, Engler, Ruestman, Byrd, Johnson (47), Smith (14), Avery and Richard, relating to campaign finance disclosure reports.

**HB 1040**, introduced by Representatives Cunningham (86), Baker, Nieves, Sander, Lembke, Brown, Munzlinger, Bivins, Reinhart, Dixon, Morris, Fares, Guest, Ruestman, Moore, Stevenson, Cooper (155), Luetkemeyer, Bearden, Bean, Quinn, Phillips, Bruns, Villa, Hanaway, Jetton, Haywood, Portwood and Hunter, relating to education accountability.

**HB 1041**, introduced by Representatives Cunningham (86), Baker, Lembke, Sander, Morris, Dempsey, Nieves, Reinhart, Ervin, Guest, Lipke, Bivins, Rupp, Moore, Dethrow, Threlkeld, Dixon, Luetkemeyer, Fares, Stevenson, Ruestman, Schaaf, Cooper (155), Bearden, Munzlinger, Bean, Quinn, Phillips, Bruns, Villa, Hanaway, Jetton, Wallace, Walton, Haywood, Portwood and Hunter, relating to school personnel.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 7** and **HCR 8** were read the second time.

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

**HJR 40** through **HJR 44** were read the second time.

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

**HB 968** through **HB 997** were read the second time.

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 898** - Senior Security

**HB 969** - Tax Policy

## COMMITTEE REPORT

**Committee on Crime Prevention and Public Safety**, Chairman Mayer reporting:

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 916**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

### *House Committee Amendment No. 1*

AMEND House Bill No. 916, Page 2, Section 570.223.5, Line 51, by deleting the words “prevailing party” and inserting in lieu thereof the word “**plaintiff**”; and

Further amend said bill, Page 3, Section 570.223.7, Line 59, by deleting the word “three” and inserting in lieu thereof the word “**five**”.

## MESSAGES 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 **HCR 1**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 2**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 3**.

## WITHDRAWAL OF HOUSE BILL

January 12, 2004

Mr. Stephen Davis  
Chief Clerk - House of Representatives  
Room 306C - State Capitol Building

Dear Mr. Davis:

I respectfully request to withdraw **House Bill 992** that I filed last Thursday, January 8, 2004.

Thanking you in advance for your time and consideration, I remain.

Sincerely yours,

/s/ Esther Hill Haywood  
State Representative  
District 71

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, January 13, 2004.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Tuesday, January 13, 2004, 12:00 p.m. Hearing Room 1.  
Presentation by Department of Agriculture Director and Division Directors.

#### **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 and Department of Revenue

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

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

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

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

#### **BUDGET**

Wednesday, January 14, 2004, 8:00 a.m. Hearing Room 3.  
Organizational meeting. Meeting may continue upon morning adjournment.

#### **HOMELAND SECURITY AND VETERANS AFFAIRS**

Wednesday, January 14, 2004, 5:30 p.m. Senate Lounge.

#### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Tuesday, January 13, 2004, 9:30 a.m. Senate Lounge.  
Election of Chair and other administrative issues.

JOINT INTERIM COMMITTEE ON EDUCATION

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

JOINT INTERIM COMMITTEE ON EDUCATION

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

JUDICIARY

Wednesday, January 14, 2004, 1:00 p.m. Hearing Room 1.

General organization. Report on Joint Interim Committee on Judicial Resources.

RULES

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

HCR 5 - Executive Session may follow - AMENDED.

TAX POLICY

Tuesday, January 13, 2004, 4:00 p.m. Hearing Room 1.

HB 969 - Executive Session may follow - AMENDED.

**HOUSE CALENDAR**

FOURTH DAY, TUESDAY, JANUARY 13, 2004

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 45

**HOUSE BILLS FOR SECOND READING**

1 HB 998 through HB 1000

2 HB 1026 through HB 1041

**HOUSE BILL FOR PERFECTION**

HB 916, HCA 1 - Brown (30)