

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

FOURTH DAY, TUESDAY, JANUARY 13, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

We praise You, O Lord our God, who created the sun to rule the day and the moon to rule the night. We thank You for this morning's shining sun, which stirs hope in us.

We are, indeed, back to work, finishing today, one calendar week of the 2004 session of the Missouri House of Representatives.

Lord, may Your gentle grace guide our minds and wills to speak and act for our constituents, that we might truly represent them. In our own lives and about life in the districts we serve, give us discernment between needs and wants, between the issues that merit top priority or lesser attention.

At the same time, may Your Holy Spirit give us the vision and the courage to see and seek the common good.

During our work this day, may we grow in knowledge of what is just and true in the various topics placed before us.

We give thanks for the great trust placed in us by the people of our district, and we give thanks to You for guiding the course of our lives to the dignity and honor of serving the people as their representatives.

We give You thanks and pray to You at this hour, because You are our God forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 151

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	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Hoskins

Hubbard	Hunter	Icet	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	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
Ward	Wasson	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: 009

Avery	Boykins	Carnahan	Darrough	Graham
Holand	Jackson	Johnson 61	Lawson	

VACANCIES: 001

SPECIAL RECOGNITION

The Centralia R-VI High School Football Team, 2003 Missouri State Division II Champions, were introduced and recognized as Outstanding Missourians by Representative Hobbs and Representative Shoemyer.

Representative Johnson (47) assumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 47 - Representative Bean
- House Resolution No. 48 - Representative Goodman
- House Resolution No. 49
- and
- House Resolution No. 50 - Representatives Yaeger, Lembke and Vogt
- House Resolution No. 51 - Representative Parker
- House Resolution No. 52 - Representative Wildberger
- House Resolution No. 53 - Representative Ruestman
- House Resolution No. 54 - Representative May

House Resolution No. 55 - Representative Icet
House Resolution No. 56 - Representative Cunningham (145)

HOUSE CONCURRENT RESOLUTION

Representative Parker offered House Concurrent Resolution No. 9.

INTRODUCTION OF HOUSE BILLS

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

HB 1042, introduced by Representative Cunningham (145), relating to enterprise zones.

HB 1043, introduced by Representative Behnen, relating to nursing home administrators.

HB 1044, introduced by Representative Behnen, relating to licensure and regulation of pharmacists, pharmacies, drug distributors, and related pharmaceutical services and personnel.

HB 1045, introduced by Representatives Cooper (120) and Pearce, relating to landfill fees.

HB 1046, introduced by Representatives Meiners, Vogt, Walker, Curls, Skaggs, Muckler and Walsh, relating to a tax on adult entertainment products and services.

HB 1047, introduced by Representatives Guest and Bivins, relating to salary of council members in certain cities.

HB 1048, introduced by Representatives Parker, McKenna, Dempsey, Abel, Wilson (42), Bearden, Shoemyer, Cunningham (86) and Davis (122), relating to appropriations for community college district maintenance funds.

HB 1049, introduced by Representatives Cooper (155), Luetkemeyer, Reinhart, Shoemaker, Ruestman, Hampton, Kratky, Stevenson and Kuessner, relating to watercraft regulation.

HB 1050, introduced by Representatives McKenna, Reinhart, Dusenberg, Mayer, Holand, LeVota, Hilgemann, Dougherty, Wildberger, Wagner, Walsh, Salva, Davis (122), Johnson (90), Selby and Threlkeld, relating to commercial motor vehicles.

HB 1051, introduced by Representative Luetkemeyer, relating to property and casualty insurance guaranty associations.

HB 1052, introduced by Representatives Engler, Byrd, Moore, Dusenberg, Page, Quinn, Reinhart, Whorton, Munzlinger, Hobbs, Jetton, Mayer and Ruestman, relating to changing traffic lights.

HB 1053, introduced by Representatives Phillips, Dixon, Sutherland, Pearce, Ervin, Ruestman, Brown, Witte, Dusenberg, Quinn, Stevenson, Engler, Icet, Rector and Meiners, relating to sexual offenders.

HB 1054, introduced by Representatives Whorton and Wallace, relating to the state highways and transportation commission.

HB 1055, introduced by Representatives Bruns, Deeken, Ervin, Bivins, Engler, Rupp, Brown, Davis (19), Stevenson, Stefanick, Ruestman, Sutherland, Hobbs, Kelly (144), Bough, Wildberger, McKenna, Smith (14) and Reinhart, relating to possession of child pornography.

HB 1056, introduced by Representatives Bishop, Marsh and Dempsey, relating to unmarked burial remains.

HB 1057, introduced by Representatives Goodman, Stevenson, Ruestman, Munzlinger, Dixon, Viebrock and Selby, relating to drivers' licenses.

HB 1058, introduced by Representatives Goodman, Guest, Pearce, Stevenson, Ruestman, Morris, Myers, Viebrock, Selby and Daus, relating to remedies for tenant default on utility and rent payments.

HB 1059, introduced by Representatives Goodman, Stevenson, Munzlinger, Myers, Dixon, Viebrock and Selby, relating to alimony and maintenance.

HB 1060, introduced by Representatives Goodman, Stevenson, Ruestman, Munzlinger, Myers, Dixon, Willoughby, Viebrock and Selby, relating to mobile infrared transmitters.

HB 1061, introduced by Representatives Crawford, Quinn, Seigfreid, Shoemyer, Moore, Witte, Davis (122), Deeken, Bruns, Smith (118), Lowe, Ward, Stevenson, Haywood, Hobbs, Abel, Riback Wilson (25), Zweifel, Kratky, LeVota, Wildberger, Engler, Parker, Harris (23), Harris (110), Guest and Munzlinger, relating to state employees' pay.

HB 1062, introduced by Representatives Crawford and Green, relating to licensing of street rods and custom vehicles.

HB 1063, introduced by Representatives Hampton, Green and Kuessner, relating to the Missouri state water patrol.

HB 1064, introduced by Representatives Sander, Myers, Moore, Munzlinger and Dixon, relating to exemptions from attachment and execution.

HB 1065, introduced by Representatives Baker, Davis (122) and Rector, relating to surcharges in criminal cases.

HB 1066, introduced by Representatives Baker and Davis (122), relating to surcharges in civil cases.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 45 was read the second time.

SECOND READING OF HOUSE BILLS

HB 998 through **HB 1000**, and **HB 1026** through **HB 1041** were read the second time.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1040 - Education

HB 1041 - Education

COMMITTEE REPORTS

Committee on Rules, Chairman Crowell reporting:

Madam Speaker: Your Committee on Rules, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE CONCURRENT RESOLUTION NO. 5

An act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010 relating to State of Missouri Vendor Payroll Deductions, with an emergency clause..

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the Office of Administration filed proposed amendment for 1 CSR 10-4.010 on August 15, 2003, and filed the order of rulemaking with the Joint Committee on Administrative Rules on November 14, 2003; and

WHEREAS, the Joint Committee on Administrative Rules held a hearing on December 8, 2003, and has found the rule lacking in compliance with the provisions of Chapter 536, RSMo, in that the rule either lacked statutory authority in violation of section 536.014, RSMo, or had an inaccurate fiscal note regarding costs to private persons in violation of section 536.205, RSMo;

NOW, THEREFORE, BE IT RESOLVED the General Assembly finds that the office of administration has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo, or 536.205, RSMo; and

BE IT FURTHER RESOLVED that the Ninety-second General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010, State of Missouri Vendor Payroll Deductions; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010, upon this resolution having been signed by the Governor

or having been approved by two-thirds of each house of the Ninety-second General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Committee on Tax Policy, Chairman Cooper (120) reporting:

Madam Speaker: Your Committee on Tax Policy, to which was referred **HB 969**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following escort committee to act with a like committee from the House pursuant to **HCR 1**: Senators Bartle, Bland, Gibbons, Goode, Jacob, Kennedy, Kinder, Loudon, Wheeler and Yeckel.

COMMUNICATION

January 8, 2004

Steve Davis, Chief Clerk
Missouri House of Representatives
The State Capitol
Jefferson City, Missouri 65101

Dear Mr. Clerk:

Per RSMo 105.461 and 105.456, I am informing you that my husband, Scott Taylor, is serving on the Re-Discover Mental Health and Substance Abuse Service Board.

Please contact me if you have any questions.

Very truly yours,

/s/ Cathy Jolly

WITHDRAWAL OF HOUSE BILLS

January 13, 2004

Mr. Steve Davis:

I request the withdrawal of **House Bills 1034** and **1035**. I will be refiling these bills at a later date.

Sincerely,

/s/ Rep. Rex Rector

The following members' presence was noted: Boykins and Graham.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Wednesday, January 14, 2004.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Third Day, Monday, January 12, 2004, Page 42, Lines 19-22, by deleting all of said lines and inserting in lieu thereof the following: “**HB 1040**, introduced by Representatives Cunningham (86), Baker, Nieves, Sander, Lembke, Brown, Munzlinger, Bivins, Reinhart, Dixon, Morris, Guest, Moore, Stevenson, Cooper (155), Luetkemeyer, Bearden, Quinn, Phillips, Bruns, Villa, Hanaway, Jetton, Haywood, Portwood, Kingery, Shoemaker, Icet, Deeken, Ervin and Hunter, relating to education accountability.”

Page 42, Lines 23-27, by deleting all of said lines and inserting in lieu thereof the following: “**HB 1041**, introduced by Representatives Cunningham (86), Baker, Lembke, Sander, Morris, Dempsey, Nieves, Reinhart, Ervin, Guest, Lipke, Bivins, Rupp, Moore, Dethrow, Threlkeld, Dixon, Luetkemeyer, Stevenson, Schaaf, Cooper (155), Bearden, Munzlinger, Bean, Quinn, Phillips, Bruns, Villa, Hanaway, Jetton, Wallace, Walton, Haywood, Portwood, Kingery, Shoemaker, Deeken, Icet and Hunter, relating to school personnel.”

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Thursday, January 15, 2004, 9:00 a.m. Room 414, Rep. Miller's office.
Committee Resolution #9. Executive Session may follow.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 14, 2004, 3:00 p.m. Hearing Room 7. AMENDED.
Testimony from: Joint Committee on Judicial Oversight, Legislative Oversight, MCHCP.

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. CANCELED.

BUDGET

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

EDUCATION

Wednesday, January 14, 2004, 5:00 p.m. Hearing Room 3.
HB 1040 and HB 1041, Executive Session may follow.

EDUCATION

Thursday, January 15, 2004, 8:00 a.m. Hearing Room 3.
HB 1040 and HB 1041, Executive Session may follow.

HOMELAND SECURITY AND VETERANS AFFAIRS

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

INTERIM COMMITTEE ON WATER QUALITY ISSUES

Thursday, January 22, 2004, upon morning adjournment. Hearing Room 1.

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.

JUDICIARY

Wednesday, January 14, 2004, 1:00 p.m. Hearing Room 1.
General organization. Report on Joint Interim Committee on Judicial Resources.

RULES

Wednesday, January 14, 2004, 10:00 a.m. Hearing Room 6. CANCELED.

SENIOR SECURITY

Tuesday, January 20, 2004, 5:00 p.m. Hearing Room 6.
HB 898.

HOUSE CALENDAR

FIFTH DAY, WEDNESDAY, JANUARY 14, 2004

HOUSE BILLS FOR SECOND READING

HB 1042 through HB 1066

HOUSE BILLS FOR PERFECTION

- 1 HB 916, HCA 1 - Brown (30)
- 2 HB 969 - Cooper (120)

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 5, (1-13-04), E.C. - Byrd (94)