

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

---

FIFTH DAY, WEDNESDAY, JANUARY 14, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we humbly approach You today on the basis of Your word that instructs us, "Do not withhold good from those to whom it is due, when it is in your power to do it." Help us to render what is proper and good to the people we are elected to serve for they are due it.

May we not devise harm against or contend with one another without cause, but may we function and work together for the common good.

We are positioned to make a difference and we will.

May You also continue to hold our families in Your hands and near Your heart as we serve apart from them.

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 Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brian P. Bettonville, Christopher F. Jackson, Allyson L. Fuchs and Jessica L. Fry.

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

AYES: 156

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	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	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Icet	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	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	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 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Avery	Carnahan	Cunningham 86	Jackson	Johnson 61
Purgason				

VACANCIES: 001

## MOTION

Representative Crowell moved that Rule 113 be suspended.

Which motion was adopted by the following vote:

AYES: 152

Abel	Angst	Baker	Barnitz	Bean
Bearden	Bishop	Bivins	Black	Bland
Bough	Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Ice	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
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	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Young
Zweifel	Madam Speaker			

NOES: 001

Sager

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Behnen	Carnahan	Daus	Dixon
Jackson	Johnson 61	Wasson	Yates	

VACANCIES: 001

### MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has replaced himself with Senator Gross on the escort committee to act with a like committee from the House pursuant to **HCR 1**.

### ESCORT COMMITTEE

The Speaker appointed the following committee to escort Lieutenant Governor Joe Maxwell and members of the Senate to the dais: Representatives King, Black, Myers, Phillips, Rector, Willoughby, Graham, Seigfreid and Shoemyer.

### JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Maxwell, presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 031

Bartle	Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy	Klindt

57 *Journal of the House*

Loudon	Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel	Wheeler
Yeckel				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Dolan	Kinder	Quick
-------	--------	-------

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 157

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	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	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	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	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	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: 005

Avery                      Carnahan                      Jackson                      Johnson 61                      Smith 118

VACANCIES: 001

The Speaker appointed the following committee to escort the Honorable Ronnie L. White, Chief Justice of the Missouri Supreme Court to the dais: Representatives Townley, Miller, Reinhart, Crawford, Holand, Purgason, Witte, Bland, Jolly and Bringer.

The Doorkeeper announced the approach of the Honorable Ronnie L. White, Chief Justice of the Missouri Supreme Court. Chief Justice White was duly escorted to the House Chamber and to the Speaker's dais, where he delivered the following message to the assembly in Joint Session.

### **STATE OF THE JUDICIARY ADDRESS**

**By**  
**Chief Justice Ronnie White**  
**January 14, 2004**

President Maxwell, Speaker Hanaway, distinguished members of the Senate and House of Representatives, honorable statewide elected officials, esteemed colleagues of the Court, and honored guests –

You know, it is indeed a pleasure to be here with you this morning. As I walked through the doors back there, I thought of how amazing this is, after having served in this body.

I want to take a minute and thank Speaker Hanaway for attending the kick-off celebration for Martin Luther King, Jr., in St. Louis on Saturday night at Harris-Stowe State College. The people there were very, very proud and pleased to see her and the bipartisan delegation of house members who were also with her.

I'd also like to take a moment and introduce two people who have been with me since the beginning – my wife, Sylvia ... and our son, Ronnie II.

I come before you today as Chief Justice to perform the traditional duty of sharing with you the state of our judiciary. I remember the first time I came into this chamber almost 15 years ago as a newly elected representative. It is reassuring as I stand before you today to see some familiar faces from that very first day.

Senator Maida Coleman from St. Louis was one of the people who helped me to get here. When I was running for elective office in 1989 and going door to door in my district, I happened to stop by Senator Coleman's house. You could not imagine what I got when I knocked on the door. She began to tell me all the things I needed to do when I got elected, so I thought about it and I said, "Well, why don't you come out of the house and help me do it?" And look at where she is today! And I want to say to you, Senator Coleman, I am very proud of you and pleased to be your friend.

And after Senator Coleman helped me to get here, one of the first people I met was Senator Mary Bland from Kansas City. In fact, during my time in the House, I was her seatmate, and sometimes after some bruising committee battles and deep debates, I would come back to my chair and sit down, and Senator Bland would say, "Representative White, I'm praying for you." Well as I stand before you today, I want to say to you, Senator, your prayers have been answered. And she would also follow up and say, "You're going to be all right." Well, after 15 years, a lot of time has passed and things have happened, I want to say to you, Senator Bland, I am all right.

While tradition and duty require me to speak to you today, a much more immediate duty compels continued communication with each other throughout the rest of this year. As someone who once served in this very room, I empathize with you as you face yet another historically challenging year. It is no secret that painstaking choices will have to be made – funding our public schools, helping children in our foster care system, dealing with the state's budget

difficulties. Our charge, then, is to work together wherever we can so that those hard choices are made in the most informed and cooperative environment possible.

Last session, the judiciary offered leadership and solutions when it was required of us, and we offered information and cooperation when leadership was required of you. This cooperation between our branches of government made possible the important work of the Commission on Children's Justice. This same cooperation produced a judiciary budget that sustained difficult cuts but still preserved the judicial branch's ability to fulfill its essential role for the citizens of this state.

In addition, we collaborated with you to find places where our effectiveness could be improved. Even before the passage of House Bill 600, the judicial branch was generating \$370 million in positive economic impact each year. I'm not talking about lawsuits here – I'm talking about the court costs, fines, fees and restitution that the courts collect for the state and its citizens. Through the passage of HB 600, we advocated and you adopted changes that will allow us to collect outstanding court costs and fines more efficiently at no cost to taxpayers other than that necessary to operate the judicial branch of government. While this money alone will not alleviate the state's financial situation, it provides a small measure of relief to some, particularly school districts – and it sends an important message about justice to those who believe they can utilize the service of justice and violate our laws without paying.

But this is just one example of what we can achieve when we work together. We must continue in this spirit of mutual cooperation for this year and for years to come – no matter who may come and go from the office of Judge, Senator, or Representative.

In that spirit of cooperation, then, let me relate to you where the judicial branch stands now, and where, with your help, we hope to be in years to come. As I stated at our annual Bar meeting in October, I have a firm commitment to doing whatever I can to promote a more professional, diverse and technologically integrated future for the justice community in this state. Let me also reaffirm our commitment to saving money where we can and working with you to make our judiciary a more efficient one.

At the outset, I want to thank all those people who make our efficiency possible – our employees. We all know that it is the employees across this state who provide direct services to the citizens every day and who are the face of Missouri state government. And with the budget constraints over the past several years, many of these employees are bringing less money home to their families now than they were four or five years ago. I request, therefore, that you give these people every due consideration even in the face of the current fiscal problems. For if we cannot keep our best and brightest state employees, we all suffer.

Now, as to the issue of professionalism, let me say that it is an honor to serve as Chief Justice with such distinguished colleagues. For many years and through many different judges, we at the Court have attempted to create an environment that is collegial, not combative – and always dedicated to preserving the integrity of the law. While our opinions differ on occasion – although not nearly as frequently as one might think – we always seek to ensure that the time-honored processes by which we make our decisions remain intact.

At least to some extent, I believe we owe this high quality of my colleagues on the Supreme Court – regardless of the political affiliation of the governor who appointed them – to a nonpartisan court plan that for more than 60 years has made our state an example to the nation.

Missouri itself has changed drastically since its voters first adopted the nonpartisan plan in 1940. Counties that were once considered rural are now so large in population that they rival even our largest cities, and the needs of their courts have become more complex. In addition, as election costs inevitably rise, unforeseen pressures are placed on members of the judiciary as well as on those who seek to replace them. In even the best of scenarios, the appearance of the intrusion of politics – and money – into the judicial process becomes difficult to avoid.

For these reasons, I announced my intention last July to discuss the expansion of the nonpartisan court plan into Greene, Jefferson and St. Charles Counties, the three next largest counties that do not already operate under the plan. In my discussions with local bar associations, I have made it clear that, whatever we do, we must do in full cooperation with the circuits – and more importantly the people – because it is pointless to proceed if the citizens in those areas do

not want change. However, we should at least be open to discussing and determining whether current systems continue to meet our constantly evolving needs and to do so in an atmosphere of civility and respect. Our talks so far have been well received, and I believe that many who originally had misgivings about the plan have begun to think positively about its potential value. In fact, the Springfield Metropolitan Bar Association voted 2-1 to support the nonpartisan plan in Greene County, and discussions are underway in St. Charles County. I hope to speak with the Jefferson County Bar Association in the near future.

Ultimately, these decisions must be made locally. And let me be clear – we are not asking the general assembly in any way to expand the nonpartisan plan. Even I seek only to act as a conduit for discussion. I realize that many of you in this room may have misgivings about my proposal, and reasonable minds can certainly differ on this issue. I therefore welcome your input and offer to conduct a legislative forum so you can discuss your positions – positive or negative – and your important voices can be heard on this issue.

In addition to serving as a facilitator for public discussions about the nonpartisan court plan, the judicial branch must also review its own internal court policies to seek out ways in which we can improve professionalism. Our judicial committees and bar committees remain dedicated to this very cause. As one excellent example of such a review, last fall the Supreme Court Family Court Committee completed the *Missouri Resource Guide for Best Practices in Child Abuse and Neglect Cases*. Nearly a thousand professionals in the juvenile justice field – including every single member of the judicial branch who is assigned to work on juvenile cases – attended cross-training in these best practices.

I hope that, through efforts such as these, you will continue to see the judiciary as a willing partner for positive change. Our doors remain open – your ideas are welcome, and we hope that you work with us as we strive to create the judicial system of the future.

There are many ways in which our present system demonstrates our promising future. Our internationally award-winning efforts to use advanced technologies in the courts have done much to improve judicial services, and technology holds the promise of even greater returns if we can capitalize on this investment.

I realize that many of my predecessors have discussed this program with you, but for me it retains personal importance. In 1993, when I was still in the state legislature, I sponsored House Bill 681 – the first bill seeking to automate our state courts. Although not many seemed to share this vision at the time, I realized then that the future of Missouri courts would lie in their ability to embrace technology in their efforts to provide service, justice and access to the citizens of this state.

Well, now the "future" is here. We all realize that advanced technology is an absolute business necessity, not a hypothetical dream or automation project. The state has an automated payroll system and automated driving records, law enforcement has the automated Missouri Uniform Law Enforcement System, and you here in the legislature have automated drafting, filing and tracking of bills and amendments. Similarly, for our judicial branch to remain able to provide exceptional service to the public effectively, we must continue to scrape our way into the 21st century by finding a way to afford those technological tools essential to an effective judicial system.

I thank each of you for recognizing this need last session through the passage of Senate Bill 448. With the leadership of Senator Matt Bartle and Representative Richard Byrd, we were able to extend the court automation fee until 2009, preserving a valuable business tool for the operation of court technology. I want to publicly extend my thanks to them and to all of you who continue to support this vitally important effort.

Although there is still much to be done, there is much that is already working well. The state's online case information system, Case.net, and case management program, Justice Information System – commonly known as JIS – are improving the business of our courts in many ways that may not be obvious to the casual observer but that would be noticeable immediately if they were no longer present.

For example, the general assembly relies on the judicial branch to collect all the fees that fund many worthy causes across the state – including the traffic fines that support our local schools and the crime victims' compensation fund. For courts using JIS, it took only a flip of the switch to begin collecting, tracking and distributing the new costs quickly and efficiently. It is not as easy for the 40 other counties that do not yet have JIS due largely to budget constraints. And for

some of those courts, can you believe that their clerk staff had to manage the six new fees created last session manually by adding six new envelopes to the pegboard?

Just imagine how your day-to-day business in this building would be different if you still had to rely on typewriters and carbon copies to circulate amendments to your legislative packages. I'm sure your staff would be horrified by the very thought! Consider this: we still have areas in this state where the courts account for hundreds of thousands – if not millions – of dollars using manual accounting systems. We cannot continue to move some 800,000 new cases and account for some \$370 million annually when some courts still are using systems that were designed in the 1950s.

But technology is not just about making us more efficient at our jobs. With that efficiency also comes significant cost savings and the ability to generate revenue. For example, a study we recently conducted in three counties identified a total of \$2.3 million in costs and fines that litigants have failed to pay – money we now can collect under HB 600 – at least in those counties that have JIS. If that is what we can do in just three counties, imagine the millions of dollars the judicial branch may be able to collect statewide. I must emphasize that this effort, along with others, seeks to go after those who fail to pay their obligations. While to some extent it is about money, more importantly it is about the enforcement of court orders and accountability to the laws you pass.

Judicial technology is also about facilitating the provision of immediate services to children and others at risk, ensuring an efficient investment of time and resources into each case, eliminating duplicate paperwork ... and saving the state even more money. I hope you will continue to support this important investment of judicial technology.

Of course, the system is capable of providing many more benefits, but fiscal prudence mandates that we be creative in discovering new ways to bring more counties into the information age. For example, although no new state dollars were available, the Jackson County Circuit Court determined that JIS was vital enough to its business needs that it was able to implement the system without the state spending any significant dollars toward that effort.

We will, of course, continue to explore any option that allows us to move forward with technology, which is vital not only to the judicial branch but also to the interests of accountability to the laws you pass, to the interests of public safety, and to the interests of those who use our courts every day. This is why it is so important that, even in these challenging times, we all remain committed to doing what works and to changing what needs to be fixed. I look forward to working with you to ensure a bright technological future for the judicial system in Missouri.

While we look to the future in court technology, we also must look to the future of the people who practice law in this state. To do that, we must make every effort to improve racial and gender diversity. Our legal community should strive to be as diverse as the people who live in this great state, because equal access to justice can only be realized fully when there is equal opportunity for **all** to serve in our system of justice. When people come to our courthouses, they need to see that other people just like them have every opportunity to thrive in the Judiciary as a workplace. They need to feel vested in, rather than controlled by, our system of justice.

I think at times we take much for granted in this great country – particularly in relation to our government and its institutions. It has become all too commonplace today to engage in rhetoric that does not challenge us to be better. Unlike virtually any other country in the world, this is our government, yours and mine. The American justice system remains a beacon to the world in spite of its failings, perceived and real. It is a beacon because we, the citizens of this great country, have a vested interest in that system as our system of justice. For people to obtain justice, people must see that equal access to justice is more than just a vision ... they must see it as a reality.

So how does the judicial branch achieve this goal in concrete ways that can be implemented feasibly? First, through the Missouri plan, we must diversify our selection panels so that both selectors and those selected represent a wide cross-section of the citizenry. Without diversifying the ranks of those who aspire to become trial judges and appellate judges, we will struggle to develop the array of applicants we seek.

I believe it is clear that diversity must begin at the very earliest levels, from pre-law and paralegal programs to law school to entry-level positions throughout the legal community ... and perhaps even earlier than that ... so that in the future, diversity does not require effort but rather takes place as a matter of course in a profession where all facets of society are represented.



Already, progress has been made on this front, as my own experience illustrates. I can remember attending my first appellate section meeting at the 1994 judicial conference. I was the only African-American in attendance. That is because, of the 39 appellate judges in the state at that time, I was the only African-American judge among them, and there were only three women on the appellate court then. But time has passed, and the diversity of the appellate bench is getting better. I am now on the Supreme Court, and we have four African-American judges on the Court of Appeals, plus a total of nine women on the appellate bench, including my colleague at the Supreme Court, Laura Stith. We also have the first Jewish judge to serve on the Supreme Court, my friend Rick Teitelman.

However, this progress does not mean that the judicial branch is where it needs to be. So I invite you to help us in any way you can. Encourage the women and minorities in your constituencies to consider the law as a career whenever you can. Foster in them an interest in the legal system of this great state. Help us end this discussion by making Missouri a nationwide example of a diverse, innovative legal community – a legacy of which we can all be proud.

I truly believe the future of our entire judiciary can be bright for all – but only if we work with you to create it in the present. We remain willing to do our part, to lead when needed, and to aid you in implementing change when you seek it from us. We welcome the discussions brought forth by the Interim Committee on Judicial Resources, and we look forward to working with all parties in the interest of creating a more efficient, modernized judiciary in this session and in sessions to come. We continue to look for savings where we can, and we ask, out of respect for our different but co-equal responsibilities under the constitution, that we work together to find these savings. It is the responsibility of both the judiciary and the legislature to preserve essential judicial functions and maintain the effectiveness of the third branch of government.

In conclusion, we remain committed to providing greater service, access and justice throughout the state. In partnership with each of you, I am certain that our commitment will be fulfilled. Thank you for listening.

The Joint Session was dissolved by Senator Gibbons.

Speaker Hanaway resumed the Chair.

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

- House Resolution No. 57 - Representative Dethrow
- House Resolution No. 58 - Representative Hanaway
- House Resolution No. 59 - Representative LeVota
- House Resolution No. 60
- and
- House Resolution No. 61 - Representative Baker
- House Resolution No. 62 - Representative Richard
- House Resolution No. 63 - Representative Dixon
- House Resolution No. 64
- and
- House Resolution No. 65 - Representative Lager
- House Resolution No. 66 - Representative Hobbs
- House Resolution No. 67 - Representative Bough
- House Resolution No. 68 - Representative Wilson (119)
- House Resolution No. 69 - Representative Sander
- House Resolution No. 70 - Representative Shoemyer

## HOUSE CONCURRENT RESOLUTION

Representative Myers offered House Concurrent Resolution No. 10.

## INTRODUCTION OF HOUSE BILLS

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

**HB 1067**, introduced by Representatives Skaggs, LeVota, Meiners, Campbell, Lowe, Walker, Barnitz, Jolly, Willoughby, Witte, Wildberger, Deeken, Bishop, Byrd, Engler, Baker, Brown, Dusenberg, Yates and Pratt, relating to personal property tax bills.

**HB 1068**, introduced by Representatives Harris (23), Abel, Johnson (90), LeVota, Jones, Skaggs, Kuessner and Villa, relating to state procurement.

**HB 1069**, introduced by Representatives Bivins, Villa, Muckler and Jackson, relating to police relief and pension systems.

**HB 1070**, introduced by Representatives Miller, Wagner, Smith (14), Wallace, Byrd, Richard, Myers, Wilson (119), Whorton, Quinn, Wood, Willoughby, Hobbs, Dixon, Moore, Sander, Wilson (130), Ruestman, Hampton, Cunningham (145), Munzlinger and Reinhart, relating to emergency preparedness plans for schools.

**HB 1071**, introduced by Representative Goodman, to authorize the governor to convey a tract of land owned by the state to Pierce City.

**HB 1072**, introduced by Representatives Jetton, Fraser, Bishop and Walker, relating to shipwreck site protection.

**HB 1073**, introduced by Representatives Engler, Nieves, Goodman, Mayer, Hampton, Bivins, Bruns, Richard, Ruestman, Kuessner, Skaggs, Smith (14) and Kratky, relating to distribution and possession of prescription medication in schools.

**HB 1074**, introduced by Representatives Byrd, Hanaway, Walton, Willoughby, Pratt, Burnett, Fares, Parker, Hubbard, Stefanick, Ruestman, Whorton, Wilson (42), Vogt, Schaaf, Skaggs, Deeken, Engler, Crawford, Munzlinger, Richard, Luetkemeyer, Black, Cunningham (86), Jetton, Moore, Graham, Bearden, Bivins, Townley, Dempsey, Cooper (120), Thompson, Hoskins, Jolly, Bland, Jones and Sanders Brooks, relating to cross burning.

**HB 1075**, introduced by Representatives Stevenson, Wilson (130), Icet and Jolly, relating to confinement of persons without process.

**HB 1076**, introduced by Representatives Stevenson and Myers, relating to eligibility for state aid.

**HB 1077**, introduced by Representatives Stevenson, Lipke, Hanaway, Pearce, Schneider, Smith (118), Crowell, Rector, Hobbs, Wilson (130), Munzlinger, Bearden, Kingery, Townley, Goodman, Bean, Engler, Hunter, Myers, Baker, Sutherland, May, Byrd, Deeken, Luetkemeyer, Cooper (155), Lembke, Quinn, Wood, Reinhart, Bough, Threlkeld, Phillips and Shoemaker, for the sole purpose of repealing certain expired, sunset, terminated, and ineffective statutory provisions.

**HB 1078**, introduced by Representatives Stevenson, Baker and Myers, relating to juveniles.

**HB 1079**, introduced by Representatives Rector, Davis (122) and Baker, relating to imposition of civil fines by certain counties.

**HB 1080**, introduced by Representatives Pratt, Johnson (47), Moore, Schlottach, Dougherty, Carnahan, Cooper (120), Parker, Yates, Dusenberg, Crawford and Skaggs, relating to right-of-way at intersections.

**HB 1081**, introduced by Representatives Lowe, Reinhart, Riback Wilson (25), Campbell, Bishop and Skaggs, relating to the duties of the board of probation and parole.

**HB 1082**, introduced by Representatives Pratt, Dusenberg, Portwood, Lembke, Schneider and Johnson (47), relating to qualifications for civilian review boards.

**HB 1083**, introduced by Representatives Rector, Willoughby, Byrd, Emery, LeVota, Wilson (130), Schlottach and Angst, relating to credit for franchise fees.

**HB 1084**, introduced by Representatives Emery, Rector, Willoughby, Sager, Whorton, Walker, Young, Dempsey, Schlottach, Engler, Yates, Lembke, Nieves, Richard and Bivins, relating to telecommunications service including customer specific pricing.

**HB 1085**, introduced by Representatives Townley, Hobbs, Dethrow, Whorton, Wilson (119), Bivins, Harris (110), May, Myers, Goodman, Mayer, Bean, Munzlinger, Quinn, Selby, Deeken, Dougherty, Guest, Bruns and Smith (118), relating to the taking of property.

**HB 1086**, introduced by Representatives Hobbs, Yates, Richard, Wilson (130), Dusenberg, Luetkemeyer, Threlkeld, Crowell, Pratt and Lager, relating to teachers and school administrators.

**HB 1087**, introduced by Representative Boykins, relating to recall elections for school board members.

**HB 1088**, introduced by Representative Boykins, relating to insurance coverage for obesity.

**HB 1089**, introduced by Representatives Bishop, Zweifel, Donnelly, Whorton, Spreng, Sager, Meiners, Carnahan, Jones, Willoughby, Walker, Wildberger, Morris, Skaggs, Darrough and LeVota, relating to nonpublic personal health information.

**HB 1090**, introduced by Representatives Bishop and Portwood, relating to property insurance for real property transferring upon death.

**HB 1091**, introduced by Representatives Wood, Stevenson, Pearce, Baker, Phillips, Lembke, Moore, Richard, Schneider, Dixon, Emery, Wasson, Wallace, Ruestman, Cunningham (145), Bough, Morris, Davis (19), Myers, Taylor, Bivins, Crawford, Goodman, Jetton, Sander, Kuessner and Wright, relating to local approval for licensing of excursion gambling boats.

**HB 1092**, introduced by Representatives Deeken, Wilson (119), Reinhart, King and Kingery, relating to compensation for additional duties of county clerks.

**HB 1093**, introduced by Representatives Deeken, Skaggs, Engler, Smith (118), Riback Wilson (25), Graham, Carnahan, Young, Luetkemeyer, Hanaway, Zweifel, Darrough, Walker, Bishop, Wallace, Shoemyer, Davis (122) and Harris (110), relating to rights of persons with service dogs.

**HB 1094**, introduced by Representatives Mayer, Jolly, Portwood, Lipke, Dusenberg, Yates, Pratt, Goodman, Kingery, LeVota, Dougherty, Roark, Myers, Crowell, Burnett, Jetton, Black, Bivins, Icet, Bean, Bringer and Behnen, relating to the DNA profiling system.

**HB 1095**, introduced by Representatives Stefanick, McKenna, Moore, Cooper (120), Sutherland, Bearden, Bruns, Schlottach, Roark, Engler, Kingery, Wagner, Davis (122), Goodman, Viebrock, Stevenson, Graham, Kuessner, Kelly (36), Barnitz, Shoemyer, Guest, Pearce, Luetkemeyer, Whorton, Dusenberg, Schaaf, Jetton, Burnett, Bivins, Jolly, Munzlinger, Kratky, Icet, Wildberger and Crowell, relating to the state highway patrol.

**HB 1096**, introduced by Representatives Wilson (130), Rector, Smith (118), Hobbs, Pearce, Ruestman, Willoughby, Stevenson and Schlottach, relating to transmission of telephone numbers by telecommunications companies.

**HB 1097**, introduced by Representatives Schaaf, Holand, Kingery, Bean, Cooper (155), Page, Carnahan, Wildberger, Engler and Hubbard, relating to prevention, screening, and treatment of lead poisoning.

**HB 1098**, introduced by Representatives Goodman, Brown, Byrd, Bough, Quinn, Sutherland, Crawford, Lipke, Wilson (130), Reinhart, Engler, Smith (14), Icet, Munzlinger, Dethrow, Myers and Sander, relating to inaugural committees.

**HB 1099**, introduced by Representatives Reinhart, Ervin and Quinn, relating to exemptions from state and local sales and use taxes.

## **SECOND READING OF HOUSE BILLS**

**HB 1042** through **HB 1066** were read the second time.

**PERFECTION OF HOUSE BILL**

**HB 916, with House Committee Amendment No. 1**, relating to identity theft, was taken up by Representative Brown.

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

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

*House Amendment No. 1*

AMEND House Bill No. 916, Section 570.223, Page 1, Lines 2 and 3, by deleting the brackets that enclose the words “transfers”.

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

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

*House Amendment No. 2*

AMEND House Bill No. 916, Section 570.223, Page 2, Line 22, by inserting immediately after said line the following:

**“(1) Identity theft or attempted identity theft which does not result in the theft or appropriation of credit, money, goods, services, or other property is a class B misdemeanor;”**; and

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

Further amend said section, Page 3, Line 76, by deleting the words “**subdivision (1)**” and by inserting in lieu thereof the words “**subdivisions (1) or (2)**”; and

Further amend said page, Line 77, by inserting immediately after the word “**theft**” the words “**or attempted identity theft**”; and

Further amend said page, Line 78, by inserting immediately after the words “**identity theft**” the words “**or attempted identity theft**”.

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

Representative Byrd offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Bill No. 916, Page 3, Section 570.223, Line 65, by deleting all words on said line and inserting in their stead the following:

**“Sections 570.223 and 570.224 shall not apply to the following activities:”**.

Representative Yates assumed the Chair.

Representative Donnelly offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 3*

AMEND House Bill No. 916, Page 3, Section 570.223, Line 65, by deleting all words on line 65 and inserting in their stead the following:

**“Section 570.223 shall not apply to the activity described in subdivision (1) of section 570.223.9 and Section 570.224 shall not apply to the activities described in subdivisions (1), (2), (3), and (4) of section 570.223.9”.**

Representative Donnelly moved that **House Substitute Amendment No. 1 for House Amendment No. 3** be adopted.

Which motion was defeated.

On motion of Representative Byrd, **House Amendment No. 3** was adopted.

Representative Lipke offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Bill No. 916, Section 570.224, Page 4, Lines 2 and 3, by deleting said lines and inserting in lieu thereof the following:

**“person manufactures, sells, transfers, purchases, or possesses, with intent to sell or transfer means of identification or identifying information, for the”;** and

Further amend said section, Page 4, Lines 5 thru 8, by deleting said lines and inserting in lieu thereof the following:

**“2. Unauthorized possession of means of identification of five or more separate persons, shall be a rebuttable presumption that the identities are possessed with intent to manufacture, sell, or transfer means of identification or identifying information for the purpose of committing identity”.**

On motion of Representative Lipke, **House Amendment No. 4** was adopted.

Representative Seigfreid offered **House Amendment No. 5.**

Speaker Hanaway resumed the Chair.

Representative Goodman raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Salva offered **House Amendment No. 6.**

Representative Goodman raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Page offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Bill No. 916, Page 4, Section 570.223, Line 92, by inserting after “locality” the following:

**“A person who commits the crime of identity theft for the purpose of committing a terrorist act as defined by existing federal law for the purpose of aiding or abetting another in committing a terrorist act shall be guilty of a felony and punished up to thirty years imprisonment or life imprisonment.”.**

Representative Lipke offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Bill No. 916, Page 4, Section 570.223, Line 92, by inserting after “locality” the following:

**“A person who commits the crime of identity theft for the purpose of committing a terrorist act as defined by existing federal law, for the purpose of aiding or abetting another in committing a terrorist act shall be guilty of a Class A felony.”.**

On motion of Representative Lipke, **House Substitute Amendment No. 1 for House Amendment No. 7** was adopted.

Representative Walton offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Bill No. 916, Page 4, Section 570.224, Line 10, by inserting after said line, all of the following:

“575.120. 1. A person commits the crime of false impersonation if [he] **such person:**

- (1) Falsely represents himself **or herself** to be a public servant with purpose to induce another to submit to his **or her** pretended official authority or to rely upon his **or her** pretended official acts, and
  - (a) Performs an act in that pretended capacity; or
  - (b) Causes another to act in reliance upon his **or her** pretended official authority; [or]
- (2) Falsely represents himself **or herself** to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation, and
  - (a) Performs an act in that pretended capacity; or
  - (b) Causes another to act in reliance upon such representation; **or**
- (3) **Upon being arrested, falsely represents himself or herself, to a law enforcement officer, with the first and last name, date of birth, or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor, or felony that contains the first and last name, date of birth, and Social Security**

number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney, bringing any action on the underlying charge, shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney of the county in which the conviction occurred shall file a motion in the underlying case with the court to correct the arrest and court records after discovery of the fraud upon the court. The court shall order the false identifying factors ascribed to the person actually arrested as are contained the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

4. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

5. False impersonation is a class B misdemeanor unless the person represents himself to be a law enforcement officer in which case false impersonation is a class A misdemeanor.”; and

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

On motion of Representative Walton, **House Amendment No. 8** was adopted.

Representative Schoemehl offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Bill No. 916, Page 4, Section 570.223, Line 92, by inserting immediately after said line the following:

“14. A person who commits the crime of identity theft for the purpose of voting, obtaining another person’s voting privileges, or altering the results of an election or aiding or abetting another in obtaining another person’s voting privileges or altering the result of an election shall be guilty of a Class A felony.”; and

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

Representative Goodman raised a point of order that **House Amendment No. 9** amends previously amended material.

The Chair ruled the point of order not well taken.

Representative Johnson (90) offered **House Amendment No. 1 to House Amendment No. 9**.

*House Amendment No. 1*

*to*

*House Amendment No. 9*



AMEND House Amendment No. 9 to House Bill No. 916, Page 4, Section 14, Line 4, by deleting the second “A” and inserting in lieu thereof the letter “C”; and

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

On motion of Representative Johnson (90), **House Amendment No. 1 to House Amendment No. 9** was adopted.

On motion of Representative Schoemehl, **House Amendment No. 9, as amended**, was adopted by the following vote:

AYES: 141

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bough
Boykins	Bringer	Brown	Bruns	Burnett
Byrd	Campbell	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Donnelly	Dusenberg	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110	Harris 23
Henke	Hilgemann	Hobbs	Holand	Hunter
Icet	Johnson 47	Johnson 90	Jolly	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
Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Swinger	Taylor	Threlkeld	Townley	Viebrock
Villa	Vogt	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Witte
Wood	Wright	Yaeger	Young	Zweifel
Madam Speaker				

NOES: 009

Bland	Brooks	El-Amin	Haywood	Hoskins
Hubbard	Jones	Thompson	Wilson 42	

PRESENT: 000

ABSENT WITH LEAVE: 012

Abel	Avery	Carnahan	Cunningham 86	Curls
Dixon	Dougherty	Jackson	Jetton	Johnson 61
Wagner	Yates			

VACANCIES: 001

Representative Davis (19) offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Bill No. 916, Page 2, Section 570.223, Line 20, by deleting the word “or” on said line; and

Further amend said bill, Section 570.223, Page 2, Line 21, by inserting after the word “marriage” on said line the following: “; **or (15) Passport.**”; and

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

On motion of Representative Davis (19), **House Amendment No. 10** was adopted.

Representative Jolly offered **House Amendment No. 11**.

Representative Goodman raised a point of order that **House Amendment No. 11** amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative Brown, **HB 916, as amended**, was ordered perfected and printed.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 980** - Agriculture

**WITHDRAWAL OF HOUSE BILLS**

TO: Chief Clerk Stephen Davis  
Chief Clerk’s Office

FROM: Rep. Rodney R. Hubbard

DATE: January 14, 2004

RE: Withdrawing HB 848

I respectfully request that **House Bill No. 848** be withdrawn.

---

TO: Chief Clerk Stephen Davis  
Chief Clerk's Office

FROM: Rep. Rodney R. Hubbard

DATE: January 14, 2004

RE: Withdrawing HB 849

I respectfully request that **House Bill No. 849** be withdrawn.

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, January 15, 2004.

### **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.

#### **EDUCATION**

Thursday, January 15, 2004, 8:00 a.m. Hearing Room 3.  
Executive Session may follow. CANCELED  
Public hearings to be held on: HB 1040, HB 1041

#### **INTERIM COMMITTEE ON WATER QUALITY ISSUES**

Thursday, January 22, 2004, 10:00 a.m. Hearing Room 1.

#### **JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Thursday, January 22, 2004, upon adjournment of both Chambers. Hearing Room 3.  
Report of Revision Subcommittee. Oversight program evaluation on the  
Office of Administration, Division of Facilities Management, State Leasing Practices.

#### **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.

**PROFESSIONAL REGISTRATION AND LICENSING**

Tuesday, January 20, 2004, 2:00 p.m. Hearing Room 4.

Educational session on Dentists, Dental Hygienists and Dental Assistants.

**SENIOR SECURITY**

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

Public hearings to be held on: HB 898

**HOUSE CALENDAR**

SIXTH DAY, THURSDAY, JANUARY 15, 2004

**HOUSE BILLS FOR SECOND READING**

HB 1067 through HB 1099

**HOUSE BILL FOR PERFECTION**

HB 969 - Cooper (120)

**HOUSE CONCURRENT RESOLUTION FOR THIRD READING**

HCR 5, (1-13-04, Pages 50-51), E.C. - Byrd (94)

**HOUSE BILL FOR THIRD READING**

HB 916 - Brown (30)