

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

EIGHTH DAY, WEDNESDAY, JANUARY 21, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we draw near to You to receive the necessary wisdom and understanding for this day in order that our plans and pursuits may not be fruitless.

Help us to make moment-by-moment adjustments to Your will and Your way for us. May our attempts to resolve the business of state proceed unobstructed and may our vision of the future be clear.

Give us eyes to discern what lays ahead, ears to hear one another truthfully, and the boldness to speak our heart's passion at the right time for the right reason.

Thank You for being a very present help in time of need.

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 an Honorary Page for the Day, to serve without compensation: Kelsey Bates.

The Journal of the seventh day was approved as corrected.

SPECIAL RECOGNITION

Joseph Newman was recognized as an Outstanding Missourian by Representative Richard.

MOTION

Representative Crowell moved that Rule 113 be suspended.

Which motion was adopted by the following vote:

AYES: 153

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bland
Bough	Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
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	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Icet
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	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Skaggs	Smith 118	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Swinger
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Vogt	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: 009

Avery	Bivins	Cooper 120	Haywood	Johnson 61
Reinhart	Shoemyer	Smith 14	Wagner	

VACANCIES: 001

ESCORT COMMITTEE

The Speaker appointed the following committee to escort Lieutenant Governor Joe Maxwell, and members of the Senate to the dais: Representatives May, Moore, Mayer, Hunter, Roark, Behnen, Zweifel, Harris (110), Boykins and El-Amin.

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 2**: Senators Kinder, Gibbons, Russell, Yeckel, Klindt, Mathewson, Bland, Dougherty, Jacob and Coleman.

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: 034

Bartle	Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 000

VACANCIES: 000

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

AYES: 154

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bland
Bough	Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
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	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Icet	Jackson	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	Roark	Ruestman	Rupp

Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118	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: 008

Avery	Bivins	Haywood	Johnson 61	Lawson
Reinhart	Richard	Smith 14		

VACANCIES: 001

The Speaker appointed the following committee to escort His Excellency Governor Bob Holden to the dais: Representatives Cooper (120), Cunningham (86), Portwood, Bearden, Fares, St. Onge, Johnson (90), Ransdall, Harris (23) and Jones.

The Doorkeeper announced the approach of the Honorable Bob Holden, Governor of the State of Missouri. The Governor was duly escorted to the House Chamber and the Speaker's dais, where he delivered the following message to the assembly in Joint Session.

**STATE OF THE STATE ADDRESS
BY
GOVERNOR BOB HOLDEN**

January 21, 2004

Mr. President, Madam Speaker, Mr. President Pro Tem, Distinguished State Officials, Mr. Chief Justice, Honored Members of the Missouri Supreme Court, Members of the 92nd General Assembly, First Lady Lori Hauser Holden, and my fellow citizens:

I come before you today to discuss the state of our state ... and to reflect on the state of state government and the state of bipartisanship in Missouri.

At a time of great challenge for our nation, both here and abroad, we in Missouri have seen our share of hardship and sacrifice. A great number of our citizens have left home and family in the service of our country, including the brave volunteers who serve in Missouri's National Guard.

That is why I think it's important today to begin with a remembrance of those Missouri citizens who have fallen during Operations Enduring Freedom and Iraqi Freedom. Their sacrifice is a reminder that here in the safety of our capital city, our disagreements should never be characterized as battles, but rather as the actions of a democracy that these soldiers gave their lives defending. And we are forever in their solemn debt.

These are the names of our fallen servicemen, and I'd like to follow this reading with a moment of silence in their honor:

Specialist Jonathan Barnes from Anderson, Missouri. 21 years old.

Sergeant Michael Barry from Kansas City, Missouri. 29 years old.

Specialist Joel Bertoldie from Independence, Missouri. 20 years old.

Sergeant Travis Burkhardt from Edina, Missouri. 26 years old.

Second Lieutenant Benjamin J. Colgan from Aurora, Missouri. 30 years old.

Aviation Electrician's Mate Samuel Patrick Cox from Kansas City, Missouri. 21 years old.

Private First Class Jesse Givens from Springfield, Missouri. 34 years old.

Sergeant Nicolas Hodson from Smithville, Missouri. 22 years old.

Staff Sergeant Jamie Huggins of Hume, Missouri. 26 years old.

Technical Sergeant William Kerwood from Houston, Missouri. 37 years old.

Staff Sergeant Daniel L. Kisling, Jr. of Neosho, Missouri. 31 years old.

Specialist Joshua Neusche from Montreal, Missouri. 20 years old.

Captain Benedict Smith from Monroe City, Missouri. 29 years old.

Private First Class Jeremiah Smith from Odessa, Missouri. 25 years old.

Staff Sergeant Robert Anthony Stever from Springfield, Missouri. 38 years old.

Sergeant Philip J. Svitak of Joplin, Missouri. 31 years old.

Private First Class Adam L. Thomas from LaPlata, Missouri. 21 years old.

And Sergeant Donald Walters from Kansas City, Missouri. 33 years old.

It is with a heavy heart that we remember these young men of Missouri...some of our finest. And we are humbled by their bravery.

For those of us in this chamber, let us respect their sacrifice by putting our own disagreements in proper perspective. In the heat of political debate, it is not uncommon to hear the language of war.

As if partisan politics could be compared to the ultimate sacrifice on a battlefield. It can't. And all of us know that. I call upon each and every one of us to begin anew - to put reason before rancor and to recognize just how fortunate we all are.

Let us look to the families of these heroic soldiers, gathered here in our gallery. We honor you and pledge our unrelenting efforts for shared progress for every citizen of Missouri.

As we head into this new year, we face many difficult questions. But as many of you know, I am an optimistic man.

It is my nature to see the good in people and to seek common ground on difficult questions. So before I address the challenges ahead, let's take a moment to look at the health of our state and the growing strength of our economy.

At a time when our nation is just beginning to emerge from one of the darkest recessions in memory, Missouri is in sound economic condition.

Missouri has a long history in aviation and the airline industry, and our state suffered more than its share of lost airline jobs in the wake of September 11th. But in spite of this setback, our unemployment rate has remained below the national average.

In fact, we have more new businesses than ever before, and we've created a net gain of 30,000 new jobs since my last State of the State address. The rest of the country is losing jobs - 220,000 net lost jobs last year alone.

But we created more jobs in Missouri last year than all but seven states. And, in fact, we created more jobs than any of our surrounding states. We are bucking the national trend, and it's something we should all take great pride in achieving.

Out of all fifty states, we rank fifth in productivity, twelfth for small business startups and we're one of only seven states with a Triple-A bond rating - a significant measure of our state's fiscal health and potential, and of our stewardship of state government.

These have been difficult times. But in the middle of our state's name is the word "our." Not "mine," not "yours," but "our" - as in "our" strength and "our" people. Together, we're all rising above tough times. There have been important issues where we have been able to find common ground.

Support and respect for our veterans is one such example. We should take great pride in the new 200 bed veteran's home in Mt. Vernon and the new wing at the St. Louis Veterans Home, which is nearing completion.

We have also completed two new veterans cemeteries, bringing the total to four. And the Veterans Task Force, created with the help of Lt. Governor Joe Maxwell, has assisted in our efforts to launch one of the most aggressive veterans outreach programs in state history. We've helped over 2,000 veterans receive benefits they didn't know they were entitled to. To me, it's the true fulfillment of public service to be able to give full honors and benefits to those who've served our country.

Working to protect Missouri jobs and support Missouri workers is another important accomplishment of the past year, and I salute everyone in this chamber who has played a role. Speaker Hanaway and President Pro Tem Kinder, we could not have kept the Ford Hazelwood plant in our state without a united effort, and I'm grateful for all that you did in joining me to help protect those 2,600 high-paying jobs.

But in the end, we must also recognize that Ford would not have stayed in Missouri if our workers did not warrant their confidence. Those who work the line held the line.

On the other side of our state, in Kansas City, H&R Block is building their new world headquarters, making a long term commitment to Kansas City and keeping nearly two thousand jobs in-state.

We protected the American Airlines overhaul base and their 1,700 jobs.

And we just recently received word that Ford will build the first hybrid Escape at their Claycomo plant, helping to secure the jobs of 5,500 Missouri autoworkers.

These American Airlines and Ford jobs, in particular, make another important point. Whether it's ensuring the safety of air travelers, or helping build the next generation of environmentally sound vehicles, Missouri workers are entrusted with the safety of families both in the air and on the ground, and there's no one I trust more with the future of Missouri's economy.

There are a number of examples of businesses starting in Missouri, staying in Missouri, or looking to move to Missouri. But I also realize that for a recently laid off worker, these stories of success offer little comfort at a difficult

time. But know that as your Governor, I will continue to work tirelessly to strengthen our economy and create 21st century jobs - jobs that build on our native strengths and diversity here in Missouri.

That's why, today, I am calling on the Missouri General Assembly to pass my 2004 Jobs Now plan. By eliminating three outdated tax credits and redirecting the savings to local infrastructure projects, we can put the new revenue to work by putting Missourians to work.

The Jobs Now plan would answer critical needs in our local communities, including waste water systems, industrial parks, and broadband telecommunication systems. It would redirect existing revenue, leverage non-state investments, and is cost-neutral to the budget. Many of these projects are ready to go. Let's pass the Jobs Now plan and get them started.

The future of our state's economy also rests on the promise of new energy and new technologies. By energy, I mean a renewed commitment to ethanol that helps both our corn-producing farmers and our energy-consuming citizens.

And by new technologies, I mean the development of life sciences in both our business and academic communities. Energy and technology can lift up both urban and rural Missouri together.

And as all of you know, this son of Birch Tree believes there's no point in reaching the new frontier if half the family is left behind. That's why I'm proud to announce today a bipartisan effort to fully fund our state's ethanol program.

By working to expand the world market for ethanol and to support our state's ethanol production, we can not only strengthen our farming communities, we can also improve the environment and help lessen our country's dependence on Persian Gulf oil.

Our farmers may have never thought of themselves as having a role in Middle East politics, but let me say this - instead of turning swords into plowshares, we can use plowshares to force down the swords of war. Lowering demand for Persian Gulf oil and removing our soldiers from this cauldron of conflict should be a national imperative, and Missouri farmers can help lead the way.

We are also uniquely positioned in the Midwest to be the leader in developing industrial applications for life sciences. We have a top notch university system at the center of the world's most fertile cropland.

We are home to over one hundred life sciences companies already, placing us in the top third of all states. And, in fact, the Bio-based Manufacturers Association just moved their headquarters from Memphis to St. Louis. They wanted to be closer to what we call the heart of the Bio-Belt.

Whether it's pharmaceuticals, bio-technology, or medical research - life science technologies will create the jobs of tomorrow. And I want Missouri to be...not just the gateway to the West...but also the gateway to the future.

But how do we get there? Community leaders throughout Missouri have all told me the same thing. And I'm certain all of you have heard this message as well.

Whether it's a hospital administrator in St. Joseph, a tool and dye manufacturer in Lee's Summit, a printer in St. Charles, or the owner of a garage in any town in Missouri - they're all saying the same thing.

"Good schools are critical to the success of our business. We need educated workers or we can't compete."

One of those garage owners made the point very clearly. He said, "If you don't believe I need workers with a good education, just lift the hood of your car and look at the engine."

Manufacturers choose communities with an educated workforce. Young doctors and other professionals establish their practices and begin their families in towns with good schools. And companies transferring their workers look for the best schools for their workers' children.

As I've traveled the country promoting Missouri - and some of you have been with me in many of those meetings - wherever we go, we're asked about the quality of our schools and the abilities of our workforce.

In fact, one plant manager in Hannibal told me that his company decides where to expand based largely upon the quality of an area's community college. Our people should take a backseat to no one...I'm proud of our citizens, and I know you are, too. We should never sell their talents short.

But unfortunately...and you knew I was coming to this... last year the talents of our people were indeed sold short.

For the first time in the history of our state, this legislature cut the total education budget by hundreds of millions of dollars and endangered the futures of countless children. Over the last decade, we had been investing in our public schools and getting results.

Our eighth grade students are above the national average in math skills, we have made significant gains in reading proficiency, our ACT scores continue to rise, and we have 176 schools of distinction when measured on our scale of tough standards. More of our students are taking a rigorous curriculum, we've more than doubled the number of nationally certified teachers, and our schools are being held accountable with school report cards.

But after a decade of investment and progress, you passed last year's education cuts twice over my veto with a great flourish of bravado. If last year's education cuts are allowed to stand, all of these gains are in great jeopardy.

There is nothing moral in raising standards and expectations at a struggling school, only to deny the necessary funding. Look at this through a child's eyes - first we encouraged them to dream, then you denied them the means. That's not bravado. That's just cruel.

Those of you on the other side of the aisle chose to defend tax breaks for corporations at the expense of our children's education. And we're already seeing the consequences of your actions.

College tuition is up as much as 20 percent. One thousand four hundred teachers have lost their jobs. Some kindergarten classes have over 30 students, and alternative schools for disruptive students are being shut down. This, of course, leads to more disruption in the classroom and higher dropout rates.

Some of you obviously think there is courage in cutting education funding. But where is the courage in merely shifting the burden onto local property owners?

Where is the courage in forcing your local constituents to raise property taxes to make up the difference?

And where is the courage in siding with gambling and tobacco interests over the welfare of our children in public schools?

Your failure to meet your constitutional obligations has caused the courts to be dragged back into Missouri schools.

Many of you preach the politics of less government. Well, you brought the courts into our classrooms. It's time you take responsibility and help get the lawyers and the lawsuits out.

Let us be frank and realistic about public school funding. Your approach will have the consequence of forcing local property tax increases.

Some in this chamber may live in communities of great means. And as you look out the windows of your home, a small increase in property taxes may not seem like much of a sacrifice. But you are wrong. Every community has those on the margins who are barely surviving - who can hardly afford the property taxes they already pay. Maybe you can't see them from your front window, but they exist all the same.

Many communities will never be able to increase property taxes enough to make up for last year's education cuts.

The ultimate end of your abdication of duty is starvation and consolidation. By starving local communities of education funding, you leave some with no other choice but to shut down schools and deprive those children of opportunity.

You may not see these children from the comfort of your front window. But they exist all the same.

And finally, there are seniors throughout Missouri who cannot afford higher property taxes, even though their hearts are with our schools. They, like my parents and some of yours, sacrificed their entire lives to provide their children with a college education. Often it was an education that they themselves never had.

You may never see these seniors from your window. But they exist all the same. You have asked in this chamber before - "what part of 'No' do I not understand?"

Well, I say in return that I will never understand doing real and lasting harm to our children and seniors. I believe our citizens deserve better than that.

Last year, we disagreed on whether Missouri had a spending problem or a revenue problem. Let's not have that disagreement again. Throughout my years as Governor, I have worked to control spending. I have cut more than 3,000 jobs from state government and over \$1.2 billion in government spending...more than any other Governor in Missouri history.

Missouri is not a free spending state. In fact, we rank 46th in per capita spending and 49th in the average salary of our government employees.

During last year's budget debate, I accepted every cut you put forward, and still you could not provide me with a balanced budget without devastating education. You cut all the fat you could find, so cutting was clearly not the entire solution.

This year, I will continue my efforts to reduce waste and improve government efficiency. In fact, I have identified another \$100 million in program and service reductions that are part of my overall plan to balance our budget.

But the essence of our problem is unchanged. Yes, we have reached agreement on projected revenues for next year. But they won't be near enough to repair the damage that you have done to Missouri schools.

If we are to meet our responsibilities to educate our children, we will need additional revenue through the least painful means. I will not rest until we have restored the funding you cut from schools in this state. If you thought this issue was settled, think again.

You already know my plan to raise revenue...increasing the cigarette tax and casino taxes, closing corporate loopholes, and placing a small surcharge on the income tax of the wealthiest 1.4 percent of Missourians.

You've heard my plan before. And you have spoken. But the vast majority of Missourians haven't spoken. Your refusal to allow our citizens to vote on this plan robs them of their voice and of their opportunity to succeed.

I think Missouri is better than that. One way or another, the education cuts you inflicted last year must not stand. I say this not to stand against you...but because I have a duty to stand up for Missouri's children.

By increasing revenues and closing corporate loopholes, we can restore school funding without a general tax increase. We can add the money necessary to improve our foster care system without a general tax increase.

And we can give modest raises to our state workers - like those who work in foster care or child abuse prevention. Some have not seen a cost of living increase in three years. Keep in mind our state employees are working people who

face the same challenges and needs as any other working person, and they deserve our respect. They are not simply expendable boxes on an organizational chart.

Even those professionals that some of you belittle as “middle management bureaucrats” - they keep this complex operation running, and they protect our citizens. State employees are being asked to do more with less every year.

My budget, while providing additional cuts, does give a slight raise to these hard working Missourians, and believe me, when the lives of our most vulnerable are at stake, keeping our best people on the job is not asking too much.

I believe in looking forward. And that is a part of our shared history in Missouri.

As you know, I often speak in these State of the State addresses from the perspective of history. And this year, we celebrate one of our country’s most historic events - the two hundredth anniversary of Lewis and Clark’s incredible journey. Their exploration of the Missouri River is a truly inspiring tale of heroism and daring. In spite of many obstacles, they pressed forward on their journey west.

But today, I think it is important to honor the heroes of our time...seemingly ordinary people who perform extraordinary service. The soldiers we honored today knew the dangers of their job. But they got up every day, pressed forward, and faced them anyway.

We will never know the true depth of their courage or their fear, but we do know this - we know they will be remembered. And in the memory of those who loved them, they will always be young.

I believe each of us has a calling. For those soldiers, it was defending something larger than themselves.

For our teachers, it’s rising to the challenge of shaping our youngest, most vulnerable minds.

For our state workers, it’s securing the safety and well-being of our citizens.

And for our citizens, it’s helping secure a brighter future for generations to come.

For those of us in this chamber, our calling is simple - we must work together to move Missouri forward.

This is not a battlefield. It’s public service. No more talk of war. Let us talk of getting something done for the people of Missouri.

Thank you, God bless you, and may God bless this great state.

The Joint Session was dissolved by Senator Gibbons.

Speaker Hanaway resumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 124 - Representative Jetton
- House Resolution No. 125 - Representative Mayer
- House Resolution No. 126 - Representative Harris (23)
- House Resolution No. 127 - Representative Marsh
- House Resolution No. 128 - Representatives Hanaway and Bearden
- House Resolution No. 129 - Representatives Kuessner and Harris (110)
- House Resolution No. 130 - Representative Wilson (119)
- House Resolution No. 131 - Representative Willoughby

INTRODUCTION OF HOUSE BILLS

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

HB 1175, introduced by Representative Whorton, relating to marine franchise dealers.

HB 1176, introduced by Representatives Guest, Barnitz, Dethrow, Myers, Sander, Quinn, Munzlinger and Hobbs, relating to animal research and production facilities.

HB 1177, introduced by Representatives Guest, Mayer, Townley, Myers, Hobbs, Barnitz and Dethrow, relating to concentrated animal feeding operations.

HB 1178, introduced by Representative Myers, relating to whistleblower protections for physicians.

HB 1179, introduced by Representatives Corcoran, Burnett, Darrough, Kelly (36), Donnelly, Jolly, Kuessner, Swinger, Nieves, Kelly (144), Dusenberg, Smith (118), Sander, Liese and Cunningham (145), relating to a surcharge in criminal cases.

HB 1180, introduced by Representatives Parker and Hilgemann, relating to recording fees.

HB 1181, introduced by Representative Selby, relating to the motor vehicle emissions inspection program.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 12 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1152 through **HB 1174** were read the second time.

Speaker Pro Tem Jetton assumed the Chair.

THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 5, relating to a Missouri vendor payroll deduction, was taken up by Representative Byrd.

Representative Behnen assumed the Chair.

HCR 5 was laid over.

On motion of Representative Crowell, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Hanaway.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 132 - Representative McKenna
- House Resolution No. 133 - Representatives Dusenberg and Pratt
- House Resolution No. 134 - Representative Wilson (42)
- House Resolution No. 135 - Representative Ruestman
- House Resolution No. 136 - Representatives Wilson (130) and Ruestman
- House Resolution No. 137 - Representative Ruestman
- House Resolution No. 138 - Representative Whorton
- House Resolution No. 139 - Representative Bruns
- House Resolution No. 140 - Representative Engler
- House Resolution No. 141 - Representative Jones
- House Resolution No. 142
through
- House Resolution No. 147 - Representative Crowell

HOUSE CONCURRENT RESOLUTIONS

- Representative Yates offered House Concurrent Resolution No. 13.
- Representative Jackson offered House Concurrent Resolution No. 14.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 47, introduced by Representatives Engler, Ervin, Crowell, Baker, Avery, Dusenberg, Nieves, Rupp, Purgason, Dixon, Reinhart, Townley, Myers, Angst, Dempsey, Roark, King, Sander, Munzlinger, Moore, Stevenson, Lipke, Davis (19), Stefanick, Willoughby, Phillips, Yates, Lembke, Cunningham (86), Pearce, Cunningham (145), Sutherland, Smith (14), Jetton, Icet, Bivins, Kelly (36), Muckler, Hanaway, Shoemaker and Wood, relating to the prohibition of same-sex marriage.

INTRODUCTION OF HOUSE BILLS

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

HB 1182, introduced by Representatives Munzlinger, Myers, Sander, Hobbs, Quinn, Guest, Black, Portwood, Stefanick, Hunter, Goodman, Threlkeld, Dethrow, Wallace, Townley, Lager, Pearce, Wilson (119), Smith (118), Behnen, King, May, Moore, Whorton, Bruns and Sutherland, relating to tax credits.

HB 1183, introduced by Representatives Mayer, Lipke, Bean, Crowell, Kuessner, Hampton, Barnitz, Davis (122), Stevenson, Myers, Engler, Swinger, May, Kingery, Lager, Cooper (120), Dixon, Jetton, Ruestman, Wilson (130), Behnen, Kelly (144), Black and Selby, relating to county law enforcement restitution funds.

HB 1184, introduced by Representatives Mayer, Bean, Kingery, Lipke, Dethrow, Wilson (130), Ruestman, Black and Crowell, relating to classification of counties.

HB 1185, introduced by Representatives Burnett, Johnson (90), Young, Vogt, Lowe, Walsh, Spreng, Jolly, LeVota, Wildberger, Carnahan and Sager, relating to workers' compensation benefits.

HB 1186, introduced by Representative Johnson (47), relating to liquor licenses and permits for caterers.

HB 1187, introduced by Representatives Ervin, Reinhart, Kelly (36), Willoughby, Bishop and Skaggs, relating to park concession stands.

HB 1188, introduced by Representatives Lipke, Goodman, Kingery, Portwood, Dusenberg, Byrd, Mayer and Jetton, relating to the criminal justice system.

HB 1189, introduced by Representatives McKenna, Selby, Spreng, Wildberger, Whorton, Harris (23), Fraser and Sutherland, relating to indoor air quality in schools.

HB 1190, introduced by Representatives Riback Wilson (25), Moore, Baker and Wilson (42), relating to the coordinating board for early childhood.

HB 1191, introduced by Representatives Smith (118), Self, Seigfreid, Pearce, Cooper (120) and Crawford, relating to Pettis County school fund.

HB 1192, introduced by Representatives Schlottach, Myers, Quinn, Munzlinger and Barnitz, relating to state meat inspection authority.

HB 1193, introduced by Representatives Self, Icet, Wilson (119), Stevenson, Hobbs, Viebrock, Taylor, Threlkeld, Cooper (120), Quinn, Cunningham (145), Sander, Smith (118), Smith (14), Dethrow, Angst, Kelly (144), Hanaway, Crowell, Byrd, Portwood, Myers, Jetton and Wright, relating to notaries public.

HB 1194, introduced by Representatives Pearce, Skaggs, LeVota, Muckler, Harris (110), Baker, Kuessner, Henke, Bishop, Donnelly, Selby, Davis (122), Corcoran, Burnett, Darrough, Engler, Schoemehl, Yaeger, Jolly, Shoemyer, Witte, Phillips, Emery, Yates, Wood, Dusenberg, Sutherland, Bough, Ervin, Ruestman, Davis (19), Pratt, Dempsey, Dethrow, Reinhart, Bruns, Kelly (36), Wright, Schaaf and Jetton, relating to billboards.

HB 1195, introduced by Representative Behnen, relating to professional registration.

HB 1196, introduced by Representative Behnen, relating to the Missouri medical malpractice mutual insurance company.

HB 1197, introduced by Representative Behnen, relating to the licensing of surety recovery agents.

HB 1198, introduced by Representative Richard, relating to extraordinary dividends for insurance holding companies.

HB 1199, introduced by Representatives Engler, Schlottach, Bruns, Rupp, Shoemaker and Graham, relating to 911 emergency services.

HB 1200, introduced by Representatives Schaaf, Threlkeld, Cooper (155), Kingery, Bean, Pearce, Page, Holand, Hilgemann, Wilson (42), Stefanick, Schneider, Carnahan and Fraser, relating to seat belts.

HB 1201, introduced by Representatives Dusenberg, Pratt, Yates, Ervin, Wilson (119), Dougherty, Brown, LeVota, Skaggs, Jolly, Baker, Schaaf, Meiners, Burnett, Young, Rector, Phillips, Guest and Bishop, relating to disposal of damaged vehicles.

HB 1202, introduced by Representatives Dusenberg, Wilson (119), Threlkeld, Sutherland, Schaaf, Brown and Dougherty, relating to child safety restraints.

HB 1203, introduced by Representatives Yates, Dempsey, Stevenson, Dusenberg, Baker, Cunningham (86), Ruestman, Pearce, Hobbs and Harris (110), relating to school board approval of tax increment financing.

HB 1204, introduced by Representatives Yates and Johnson (47), relating to certificate of need.

HB 1205, introduced by Representative Yates, for the purpose of repealing expired and outdated sections.

HB 1206, introduced by Representative Jackson, to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

HB 1207, introduced by Representatives Icet, St. Onge, Cunningham (86), Dempsey, Ervin and Myers, relating to levee districts.

HB 1208, introduced by Representative Bland, relating to union organization limitations on private employer use of state funds.

HB 1209, introduced by Representatives Jetton and Crowell, relating to the official state dinosaur.

HB 1210, introduced by Representatives Smith (14), Smith (118), Page, Ruestman, Jetton, Schneider, Bean, Stevenson, Wood, Yates, Sutherland, Davis (19), Munzlinger, Parker, Portwood, Rupp, Pratt, Hunter, Dempsey, Bruns, Lembke, Kingery, Icet, Moore, Hobbs, Roark, Bivins, Villa,

Daus, Spreng, El-Amin, Muckler, Threlkeld, Wright, McKenna and Black, relating to a tutoring program for public schools.

HB 1211, introduced by Representatives St. Onge, Schneider, Dempsey, Jackson, Bivins, Icet, Smith (118), Munzlinger, Jetton, Richard, Byrd, Dougherty, Shoemaker, Hobbs, Seigfreid, Engler, Lowe, Hubbard, Harris (23), Walsh and Vogt, relating to unemployment insurance.

HB 1212, introduced by Representative Cooper (120), relating to Missouri adjusted gross income.

THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 5, relating to a Missouri vendor payroll deduction, was again taken up by Representative Byrd.

Representative Goodman assumed the Chair.

Speaker Pro Tem Jetton resumed the Chair.

Representative Pearce assumed the Chair.

Speaker Hanaway resumed the Chair.

On motion of Representative Byrd, **HCR 5** was read the third time and passed by the following vote:

AYES: 086

Angst	Baker	Bean	Bearden	Behnen
Black	Bough	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hobbs	Holand
Hunter	Ice	Jackson	Jetton	Johnson 47
Kelly 144	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	Marsh	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Self	Shoemaker	Smith 118	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Wasson	Whorton
Wilson 119	Wilson 130	Wood	Wright	Yates
Madam Speaker				

NOES: 069

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122

Donnelly	Dougherty	El-Amin	Fraser	George
Graham	Green	Harris 110	Harris 23	Henke
Hilgemann	Hoskins	Hubbard	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
LeVota	Liese	Lowe	McKenna	Meiners
Muckler	Page	Ransdall	Sager	Salva
Schneider	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Swinger	Thompson	Villa
Vogt	Wagner	Walker	Walsh	Walton
Ward	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Bivins	Hampton	Haywood	Johnson 61
Reinhart	Smith 14			

VACANCIES: 001

Speaker Hanaway declared the bill passed.

Representative Pearce resumed the Chair.

The emergency clause was defeated by the following vote:

AYES: 003

Dusenberg	Pratt	Roark
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NOES: 150

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bland
Bough	Boykins	Bringer	Brown	Bruns
Burnett	Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Harris 110	Harris 23
Henke	Hilgemann	Hobbs	Hoskins	Hubbard
Hunter	Icet	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	Purgason
Quinn	Ransdall	Rector	Richard	Ruestman
Rupp	Sager	Salva	Sander	SchAAF
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
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

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bivins	Brooks	Hampton	Haywood
Holand	Johnson 61	Reinhart	Smith 14	

VACANCIES: 001

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 777 - Education

HB 841 - Local Government

COMMITTEE REPORT

Committee on Rules, Chairman Crowell reporting:

Madam Speaker: Your Committee on Rules, to which was referred **HR 71**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 71

WHEREAS, the New Source Review Program under the Federal Clean Air Act has been seen by some as confusing, in need of clarification and has been the subject of debate over many years; and

WHEREAS, the primary source of confusion involves questions over definitions within the federal regulations, namely "modification", "repair", and "routine maintenance"; and

WHEREAS, further evidence of confusion and lack of objective standards within the federal regulations can be seen in the numerous lawsuits which have been filed in recent years by the Environmental Protection Agency challenging work performed by individuals as violations of the New Source Review Rules; and

WHEREAS, on October 27, 2003, the EPA published a rule that provided some clarification, the Equipment Replacement Provision, 68 C.F.R. Section 61, 248-61, 280; and

WHEREAS, the Equipment Replacement Provision provides a bright line test for determining when the replacement of broken or deteriorating equipment is "routine"; and

WHEREAS, the Equipment Replacement Provision provides states and industry with definitive standards for judging source "modifications"; and

WHEREAS, the state of New York, along with eleven other states, filed suit in an action styled *State of New York, et al v. U.S. EPA*, No. 03-01380 (D.D.C., 2003), to have this new rule declared invalid; and

WHEREAS, it is believed that the new rule provides the clarity with which the regulated community deserves to possess when considering improvements to individual operating facilities; and

WHEREAS, it is believed that the EPA's Equipment Replacement Provision should remain in full force and effect, providing the regulated community with the clarity and objective standards needed to conduct business in an appropriate manner; and

WHEREAS, the Missouri Department of Natural Resources is currently working to adopt new state rules that will comply with the New Sources Review Program under the Federal Clean Air Act on an expedited basis; and

WHEREAS, the availability of state rules that are compliant with the Federal Clean Air Act is vital to the retention and creation of industrial jobs in Missouri; and

NOW, THEREFORE IT BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, hereby urge the validation of the rules as promulgated by the EPA known as the Equipment Replacement Provision set forth in 68 C.F.R. Section 61,248-61,280, so as to provide necessary clarity to the regulated community as to what constitutes routine maintenance and modification; and

BE IT FURTHER RESOLVED that the Missouri House of Representatives commits to join the Motion to Intervene in the lawsuit styled *State of New York, et al v. U.S. EPA*, No. 03-01380 (D.D.C., 2003), in support of the EPA rule.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Avery is no longer a member of the Professional Registration and Licensing Committee.

Representative Ervin has been appointed a member of the Professional Registration and Licensing Committee.

COMMUNICATIONS

January 21, 2004

Mr. Steve Davis, Chief Clerk
Missouri House of Representatives
State Capitol Building
Jefferson City, MO 65101

Dear Steve:

Pursuant to Chapter 105.461, RSMo this letter is an official report that my father, Keith M. Sutherland, serves as a Circuit Court Judge of the 12th District.

In order for me to comply with Chapter 105.461 please publish this report in the Journal of the House.

Sincerely,

/s/ Mike Sutherland

January 21, 2004

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

Dear Mr. Clerk:

Per RSMo 105.461 and 105.456, I am informing you that my wife, Ingrid Burnett, is serving on the Board of Directors of the Kansas City Missouri School Board.

Please contact me if you have any questions.

Sincerely,

/s/ John Patrick Burnett
Representative
District 40

The following members' presence was noted: Reinhart and Smith (14).

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, January 22, 2004.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Wes Shoemyer, District 9, hereby state and affirm that my vote as recorded on Page 89 of the House Journal for Tuesday, January 20, 2004 showing that I voted absent was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 21st day of January 2004.

/s/ Wes Shoemyer
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 21st day of January in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, January 22, 2004, 8:15 a.m. Hearing Room 5.

CANCELLED

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Monday, January 26, 2004, 12:00 p.m. Hearing Room 5.

Testimony from the Department of Insurance

BUDGET

Thursday, January 22, 2004, 8:00 a.m. Hearing Room 3.

Presentation of Governor's Budget Recommendations, House Appropriations Staff Presentation.

Committee will reconvene upon adjournment.

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Thursday, January 22, 2004, 8:00 a.m. Hearing Room 1.

Public hearings to be held on: HB 1100, HB 1083, HB 1084, HB 1096

EDUCATION

Thursday, January 22, 2004, 8:00 a.m. Hearing Room 4.

Possible Executive Session on HB 1040 and HB 1041.

ETHICS

Tuesday, January 27, 2004, 5:00 p.m. Hearing Room 4.

109 Caucus. Executive Session may follow

INTERIM COMMITTEE ON WATER QUALITY ISSUES

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

CANCELLED

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, January 22, 2004, Hearing Room 7 upon adjournment of both Chambers.

Report of Revision Subcommittee. Oversight program evaluation of Office of Administration, Division of Facilities Management, State Leasing Practices and any other business. AMENDED

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.

LOCAL GOVERNMENT

Thursday, January 22, 2004, 8:30 a.m. Hearing Room 6. AMENDED
Executive Session.
Public hearings to be held on: HB 795, HB 932, HB 948, HB 950

RULES

Thursday, January 22, 2004, 8:30 a.m. Hearing Room 5.
Executive Session may follow.
Public hearings to be held on: HR 120

TRANSPORTATION AND MOTOR VEHICLES

Thursday, January 22, 2004, Hearing Room 6 upon morning adjournment.
Executive Sessions will be held on: HB 803, HB 946, HB 952, HB 1062,
HJR 45, HB 1105, HB 1106, HB 1107, HB 1111, HB 1113, HB 1119

HOUSE CALENDAR

NINTH DAY, THURSDAY, JANUARY 22, 2004

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 47

HOUSE BILLS FOR SECOND READING

HB 1175 through HB 1212

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILL FOR PERFECTION

HB 969 - Cooper (120)

HOUSE RESOLUTION

HR 71, (1-21-04) - Townley (112)