

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

TWENTY-SECOND DAY, MONDAY, FEBRUARY 16, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we honor Your Word which says, "Those who control their anger have great understanding; those with a hasty temper will make mistakes." We ask for a calm and undisturbed mind and heart that we may be able to judge rightly information set before us, listen intently to discussions on the floor, and calmly make decisions based on sound principles.

But first, we would be negligent, if we did not thank You for allowing us to enjoy the beauty of family, life, health and liberty. Help us to remember the simple things in life that we may appreciate even more the privilege of serving one another.

Whatever the present need, trial, or struggle might be, You are the One who governs cycles and seasons. Our seasons are in Your hands.

May Your grace be sufficient for all we do.

In the name of Your Son we pray. Amen.

Representative Dixon introduced the Springfield Central High School Choir who performed "The Star-Spangled Banner" and "God Bless America" in honor of Presidents' Day.

The Pledge of Allegiance to the flag was recited.

Representative Davis (19) assumed the Chair.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Stephanie Dusek, Andrew Carnahan, Austin Carnahan, Becca Lamprich, Connor Grumich, Lea Munzlinger, Andrew Weingart, Colin Schulte, Katie Phillips and Andrew Phillips.

The Journal of the twenty-first day was approved as printed by the following vote:

AYES: 161

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	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	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Hunter	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	LeVota	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meadows	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	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: 002

Avery Lembke

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 572 - Representative Goodman
- House Resolution No. 573
- and
- House Resolution No. 574 - Representative Brown
- House Resolution No. 575 - Representative Dusenberg
- House Resolution No. 576
- through
- House Resolution No. 581 - Representative Crowell
- House Resolution No. 582 - Representative Fares
- House Resolution No. 583 - Representative Darrough
- House Resolution No. 584
- and
- House Resolution No. 585 - Representative Townley

House Resolution No. 586 - Representative Swinger
House Resolution No. 587 - Representative Goodman

INTRODUCTION OF HOUSE BILLS

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

HB 1486, introduced by Representatives Fraser, Riback Wilson (25), Donnelly, Walker, Bishop, Wilson (42), Hilgemann and Campbell, relating to licensure of homes for children.

HB 1487, introduced by Representative Self, relating to kidnapping of a child.

HB 1488, introduced by Representatives Wagner and Ward, relating to employee salaries within the Missouri department of transportation.

HB 1489, introduced by Representatives Barnitz, Purgason, Shoemyer, Dethrow, Kuessner, Schlottach, Ward and Angst, relating to operation of all-terrain vehicles.

HB 1490, introduced by Representatives Mayer and Bishop, relating to misuse of a power of attorney.

HB 1491, introduced by Representatives Burnett and LeVota, relating to search warrants.

HB 1492, introduced by Representatives Henke, Dougherty, Hampton, Selby, Kuessner, Swinger, Harris (110), Witte, Ransdall, Seigfreid, Davis (122), Lawson, Shoemyer, Bringer, Ward and Barnitz, relating to tobacco settlement moneys.

HB 1493, introduced by Representatives Emery, Donnelly, Bough, Wilson (130), George and Miller, relating to electric territorial agreements.

SECOND READING OF HOUSE BILLS

HB 1472 through **HB 1485** were read the second time.

PERFECTION OF HOUSE BILL

HCS HB 1380, relating to a career ladder for teachers, was taken up by Representative Lager.

HCS HB 1380 was laid over.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 1040 - Budget (Fiscal Note)

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCR 34**.

SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, Missouri's Rehabilitation Services for the Blind is housed within the Department of Social Services; and

WHEREAS, Rehabilitation Services for the Blind is in place to create opportunities for eligible blind and visually impaired persons so that they may attain personal and vocational success; and

WHEREAS, the services provided by Rehabilitation Services for the Blind (RSB) assist people with varying degrees of visual impairment, ranging from those who cannot read regular print to those who are totally blind and serve a vital role for those persons seeking its services; and

WHEREAS, changing the status of Rehabilitation Services for the Blind from one of many "programs" within the Department of Social Services to its own division is necessary:

- (1) Because the number of eligible blind and visually-impaired person increases substantially each year; and
- (2) To ensure that Rehabilitation Services for the Blind continues to provide the most efficient and beneficial services to eligible blind and visually-impaired persons; and
- (3) To ensure that the new director of the Division of Rehabilitation Services for the Blind can maintain better control of the services provided and can continue to receive the appropriate funding from the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request the Governor to authorize by Executive Order the transfer of all duties, functions and responsibilities of Rehabilitation Services for the Blind from "program" status within the Department of Social Services and thereby creating the Division of Rehabilitation Services for the Blind which will raise its level of distinction within the Department; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 980**, entitled:

An act to repeal sections 21.770, 28.085, 28.163, 30.900, 31.010, 32.051, 32.380, 33.571, 37.090, 42.160, 58.755, 72.424, 82.460, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 140.015, 143.107, 143.122, 143.1010, 143.1011, 143.1012, 144.030, 144.036, 144.041, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.550, 161.205, 161.655, 163.025, 169.710, 171.033, 173.710, 173.715, 173.718, 173.721, 178.630, 191.938, 192.255, 197.305, 197.312, 197.314, 197.317, 197.318, 197.345, 197.355, 197.366, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 208.177, 208.307, 210.879, 210.930, 215.050, 253.022, 253.230, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.280, 292.290, 292.500, 313.300, 313.301, 319.022, 351.025, 354.065, 376.530, 376.550, 388.650, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, and 644.102, RSMo, and to enact in lieu thereof fifteen new sections for the sole purpose

of repealing certain expired, sunset, terminated, and ineffective statutory provisions as identified by the joint committee on legislative research pursuant to section 23.205, RSMo.

In which the concurrence of the House is respectfully requested.

WITHDRAWAL OF HOUSE BILLS

February 10, 2004

The Honorable Catherine Hanaway
Speaker of the House
State Capitol
Jefferson City, MO 65101

Dear Speaker Hanaway:

I hereby respectfully request that **House Bill 1308** be withdrawn from consideration. Your attention to this matter is appreciated.

Sincerely,

Representative Curt Dougherty
District 53

DATE: February 16, 2004
TO: Steve Davis, Chief Clerk, Missouri House of Representatives
FROM: Representative Bill Deeken, District 114
SUBJECT: Request to Withdraw House Bill 1431

I am requesting that **House Bill 1431** be withdrawn. This bill does not express the content for which I had intended. Should you have any questions or need additional information, please let me know.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, February 17, 2004.

COMMITTEE MEETINGS

AGRICULTURE

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearing to be held on: HB 1176

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 4.

Mark up for the Department of Natural Resources.

Hearing may continue at 2:30 p.m. or upon afternoon adjournment.

APPROPRIATIONS - EDUCATION

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 1.

Mark up will be held on: HB 1002

APPROPRIATIONS - EDUCATION

Wednesday, February 18, 2004, 3:00 p.m. Hearing Room 1.

Mark up on HB 1002 continued and possible mark up on HB 1003.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 17, 2004, 8:30 a.m. Hearing Room 7.

Office of Administration, Office of the State Treasurer and Office of the Attorney General.

CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 18, 2004, 8:00 a.m. Hearing Room 3.

Public testimony. Departments of Health, Mental Health, and Social Services. CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 18, 2004, 2:30 p.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 19, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. Public testimony. AMENDED

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 5.

Mark up for the Departments of Labor, Insurance, Transportation, and Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 18, 2004, 3:00 p.m. Hearing Room 5.

Mark up for the Departments of Labor, Insurance, Transportation, and Economic Development.

BUDGET

Wednesday, February 18, 2004, 8:00 a.m. Hearing Room 3.

Fiscal Review on HB 1040.

Executive session will be held on: HB 1014

CHILDREN AND FAMILIES

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1453

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Tuesday, February 17, 2004, Hearing Room 3 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 1156, HB 1171, HB 766

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 18, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1276, HJR 35, HB 1209, HJR 27

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 17, 2004, Hearing Room 3 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: HB 1059, HB 918, HB 1311, HB 1387, HB 1388, HB 1243

ELECTIONS

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 900, HB 1150, HB 1039

Executive session will be held on: HB 949, HB 962

ETHICS

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 4.

MO Forest Products Caucus, Dairy Caucus and Forming Arts Caucus.

Executive session may follow.

FINANCIAL SERVICES

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 936, HB 938, HB 1159, HB 990

Executive session will be held on: HB 1198

HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 957, HB 1152

JOINT COMMITTEE ON CORRECTIONS

Thursday, February 19, 2004, 8:30 a.m. Hearing Room 5.

Regular business meeting.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 26, 2004, Hearing Room 5 upon morning adjournment of both Chambers.

Report from the Revision Subcommittee.

Oversight program evaluation on the Office of Administration,

Division of Facilities Management, State leasing practices. Any other business.

LOCAL GOVERNMENT

Thursday, February 19, 2004, 8:15 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 975, HB 880, HB 843, HB 1042, HB 947, HB 1047, HB 1275

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 4.

Public hearings to be held on: HB 985, HB 1224, HB 1246, HB 905

Executive session may be held on: HB 955, HB 1195, HB 998

SENIOR SECURITY

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1302, HB 1371

SMALL BUSINESS

Wednesday, February 18, 2004, Hearing Room 4, noon or upon adjournment.

Public hearing to be held on: HB 1286

SPECIAL COMMITTEE ON GENERAL LAWS

Thursday, February 19, 2004, 8:00 a.m. Hearing Room 4.

Executive session possible.

Public hearings to be held on: HB 1363, HB 1193

TAX POLICY

Tuesday, February 17, 2004, Hearing Room 7, 12:00 p.m. or upon morning adjournment.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1267, HB 1343, HB 1235

TOURISM AND CULTURAL AFFAIRS

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 5.

Possible Executive session.

Public hearings to be held on: HB 1056, HB 1194

TOURISM AND CULTURAL AFFAIRS

Thursday, February 19, 2004, 9:00 a.m. House Lounge.

Joint committee meeting with the Senate Economic Development, Tourism and Local Government Committee.

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, February 18, 2004, 12:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 1080, HB 770, HB 1109, HB 883,

HB 1317, HB 1118, HB 1142, HB 1259, HB 1288, HB 1439

Executive session may be held on: HB 912, HB 826, HB 1029, HB 1167,

HB 1114, HB 937, HB 1108

HOUSE CALENDAR

TWENTY-THIRD DAY, TUESDAY, FEBRUARY 17, 2004

HOUSE BILLS FOR SECOND READING

HB 1486 through HB 1493

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 946, 1106 & 952 - Crawford (117)
- 2 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 3 HCS HB 1041, as amended - Cunningham (86)
- 4 HCS HB 1268 & 1211 - Smith (118)
- 5 HCS HB 978 - Baker (123)
- 6 HCS HB 1380 - Lager (4)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 980, (Budget 2-04-04) - Myers (160)
- 2 HCS HB 1040, (Budget 2-16-04), E.C. - Cunningham (86)

HOUSE BILL FOR THIRD READING - CONSENT

HB 994 - Cunningham (145)

SENATE BILL FOR SECOND READING

SCS SB 980