

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

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THIRTY-SIXTH DAY, WEDNESDAY, MARCH 10, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, it is written, "Observe people who are good at their work - skilled workers are always in demand and admired; they don't take a back seat to anyone." May we always acknowledge that whatever skills we have obtained, knowledge we have acquired, or recognition we have gained, was given to us by You.

Give us the endurance and strength to persevere throughout this day and all the way to the end of the session. Everything we need, everything we know, everything we have been shown, prepares us for this moment in time. We are people who are blessed by the abundance of Your hand.

We receive Your love and grace beyond measure.

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: Landon Riley, Isaac Hindman, Elizabeth Hindman, Kathleen Hindman, Stephanie Miller, Sarah Miller, Josef Webster, Brian Booker, Ceara Nash, Alyssia Winston, Cory Douthat, Connor Douthat, Braddy Phillips, Blaise Phillips, Ryan King, Emily King, Hannah Walden and Joshua Walden.

The Journal of the thirty-fifth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 982 - Representative Hunter  
House Resolution No. 983 - Representative Yates  
House Resolution No. 984 - Representative Fares  
House Resolution No. 985  
through  
House Resolution No. 987 - Representative Pratt

### **HOUSE CONCURRENT RESOLUTION**

Representatives Zweifel and Jones offered House Concurrent Resolution No. 34.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 1651**, introduced by Representatives Goodman and Lipke, relating to court procedures.

**HB 1652**, introduced by Representatives Brown and Salva, relating to solid waste.

**HB 1653**, introduced by Representatives Brown, Dusenberg and Wilson (119), relating to consolidated public library districts.

**HB 1654**, introduced by Representatives Smith (14), Page, Meiners, Schaaf and McKenna, relating to insurance coverage for treatment of infertility.

**HB 1655**, introduced by Representative Johnson (90), relating to tax increment financing.

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

**HB 1641** through **HB 1650** were read the second time.

### **SECOND READING OF SENATE BILLS**

**SCS SB 754**, **SCS SB 937** and **SCS SB 1040** were read the second time.

### **COMMITTEE REPORT**

**Special Committee on General Laws**, Chairman Wright reporting:

Madam Speaker: Your Special Committee on General Laws, to which was referred **HB 1566**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

### **PERFECTION OF HOUSE BILL**

**HCS HB 1305**, relating to medical malpractice insurance, was taken up by Representative Byrd.

Representative Harris (23) offered **House Amendment No. 1**.

Representative Goodman raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the underlying bill.

The Chair ruled the point of order well taken.

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1305, Page 7, Section B, Lines 1 through 6, by deleting all of said lines.

Representative Willoughby moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122
Donnelly	Dougherty	El-Amin	Fraser	George
Graham	Green	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hoskins	Hubbard
Johnson 61	Johnson 90	Jolly	Jones	Kelly 36
Kratky	Kuessner	LeVota	Liese	Lowe
McKenna	Meadows	Meiners	Muckler	Parker
Ransdall	Sager	Salva	Schneider	Schoemehl
Seigfreid	Selby	Shoemyer	Skaggs	Spreng
Swinger	Thompson	Villa	Vogt	Wagner
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Witte	Yaeger
Young	Zweifel			

NOES: 087

Angst	Baker	Bean	Bearden	Behnen
Bivins	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	Icet	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager
Lawson	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Page	Pearce
Phillips	Portwood	Pratt	Quinn	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Self	Shoemaker	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Wallace
Wasson	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 004

Avery

Purgason

Rector

Wilson 42

Representative Harris (23) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1305, Page 4, Section 383.035, Line 87, by inserting immediately at the end of said line the following:

**“383.225. Any entity issuing a medical malpractice liability policy or self insurance policy issued for medical malpractice liability purposes shall actuarially determine at least annually, the amount of costs savings incurred by the issuers as a result of the enactment of the provisions of section 538.205 to 538.230, RSMo. and shall reduce such insured’s premiums accordingly.”; and**

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

Representative Yates assumed the Chair.

Representative Harris (23) moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Abel	Barnitz	Bishop	Bland	Bringer
Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	LeVota
Liese	Lowe	Mayer	McKenna	Meadows
Meiners	Muckler	Page	Ransdall	Sager
Salva	Sander	Schoemehl	Seigfreid	Selby
Shoemyer	Skaggs	Spreng	Swinger	Villa
Vogt	Walker	Walsh	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Witte	Yaeger
Young	Zweifel			

NOES: 087

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hobbs	Holand
Hunter	Ice	Jackson	Jetton	Johnson 47
Kelly 144	King	Kingery	Lager	Lawson
Lembke	Lipke	Luetkemeyer	Marsh	May
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Parker	Pearce	Phillips	Portwood

Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Schaaf
Schlottach	Schneider	Self	Shoemaker	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Wallace
Wasson	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Boykins	Dempsey	El-Amin	Haywood
Thompson	Wagner	Walton	Wilson 42	

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Angst	Baker	Bean	Bearden	Behnen
Bivins	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	Icet	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
Reinhart	Richard	Roark	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

NOES: 071

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122
Donnelly	Dougherty	Fraser	George	Graham
Green	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hoskins	Hubbard	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	Lawson	LeVota	Liese	Lowe
McKenna	Meadows	Meiners	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Spreng	Swinger	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 003

Avery El-Amin Skaggs

On motion of Representative Byrd, **HCS HB 1305** was adopted.

On motion of Representative Byrd, **HCS HB 1305** was ordered perfected and printed by the following vote:

AYES: 142

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bough	Boykins	Bringer	Brown	Bruns
Burnett	Byrd	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Ice
Jackson	Jetton	Johnson 47	Johnson 61	Jolly
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	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
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Skaggs	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Swinger
Taylor	Threlkeld	Townley	Viebrock	Villa
Wagner	Walker	Wallace	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Witte	Wood	Wright	Yates	Young
Zweifel	Madam Speaker			

NOES: 016

Bland	Campbell	Donnelly	Harris 23	Haywood
Johnson 90	Lowe	Shoemyer	Spreng	Thompson
Vogt	Walsh	Walton	Wilson 25	Wilson 42
Yaeger				

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 004

Avery

El-Amin

Hunter

Schaaf

## PERFECTION OF HOUSE BILL - APPROPRIATIONS

**HCS HB 1014**, relating to appropriations, was taken up by Representative Bearden.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1014, Page 2, Section 14.040, Line 4, by inserting two new sections to immediately follow said section to read as follows:

“Section 14.043. There is transferred out of the state treasury, chargeable to the General Revenue Fund, amounts from income tax refunds designated by taxpayers for deposit in the Division of Aging and Elderly Home Delivered Meals Trust Fund, Veterans’ Trust Fund, Children’s Trust Fund, Workers Memorial Fund, and Missouri National Guard Trust Fund  
From General Revenue Fund . . . . . \$3,000E

Section 14.044. There is transferred out of the state treasury, chargeable to the Workers Memorial Fund, amounts from income tax refunds erroneously deposited to said fund, to the General Revenue Fund  
From Workers Memorial Fund . . . . . \$250E”;

and adjust bill totals accordingly.

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

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

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1014, Page 2, Section 14.040, Line 4, by inserting one new section to immediately follow said section to read as follows:

“Section 14.045. To the Department of Transportation  
For the Rail Program  
For state participation in the joint/federal Amtrak  
Rail Passenger Service Program  
From General Revenue Fund . . . . . \$884,815”;

and adjust bill totals accordingly.

On motion of Representative Threlkeld, **House Amendment No. 2** was adopted by the following vote:

AYES: 111

Abel  
Bearden

Angst  
Bishop

Baker  
Bivins

Barnitz  
Black

Bean  
Bland

Boykins	Brown	Bruns	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Deeken	Dempsey	Dixon
Donnelly	Dusenberg	Ervin	Fares	Fraser
George	Graham	Green	Hampton	Harris 110
Haywood	Hilgemann	Hobbs	Ice	Jetton
Johnson 47	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Miller	Moore	Muckler	Myers
Nieves	Page	Pearce	Phillips	Portwood
Pratt	Quinn	Reinhart	Richard	Rupp
Sager	SchAAF	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Smith 118	Spreng
St. Onge	Stefanick	Sutherland	Thompson	Threlkeld
Townley	Villa	Vogt	Wagner	Walker
Wallace	Walsh	Walton	Whorton	Wilson 25
Wilson 42	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 043

Behnen	Bough	Bringer	Brooks	Burnett
Davis 19	Dethrow	Dougherty	El-Amin	Emery
Goodman	Guest	Harris 23	Henke	Holand
Hunter	Jackson	Johnson 90	Kuessner	Meadows
Morris	Munzlinger	Parker	Roark	Ruestman
Salva	Sander	Shoemaker	Shoemyer	Skaggs
Smith 14	Stevenson	Swinger	Taylor	Viebrock
Ward	Wasson	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright		

PRESENT: 001

Engler

ABSENT WITH LEAVE: 008

Avery	Hoskins	Hubbard	Johnson 61	Purgason
Ransdall	Rector	Willoughby		

On motion of Representative Bearden, **HCS HB 1014, as amended**, was adopted.

On motion of Representative Bearden, **HCS HB 1014, as amended**, was ordered perfected and printed.

## SUPPLEMENTAL CALENDAR (March 10, 2004)

### HOUSE BILL FOR PERFECTION

HCS HB 1566 - Stefanick



On motion of Representative Crowell, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Representative Yates.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Isabelle Mercedes Herrera.

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

House Resolution No. 988 - Representative Quinn  
House Resolution No. 989 - Representative Dusenberg  
House Resolution No. 990 - Representative Willoughby  
House Resolution No. 991 - Representatives Hubbard and Thompson  
House Resolution No. 992 - Representative Hunter  
House Resolution No. 993  
and  
House Resolution No. 994 - Representative Lowe  
House Resolution No. 995  
through  
House Resolution No. 997 - Representative Jones  
House Resolution No. 998 - Representative Moore

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 1656**, introduced by Representative Jones, relating to supervision of paroled persons.

**HB 1657**, introduced by Representatives Jones, Young, Sanders Brooks, Fraser, Thompson, Haywood, Hilgemann, Walker, Boykins, Curls, Johnson (61), Wilson (42), Walton, Bishop, Wildberger, Hoskins, Donnelly, Lowe, El-Amin, Zweifel, Riback Wilson (25), Bland, Harris (23), LeVota and Page, relating to emergency contraception.

**HB 1658**, introduced by Representatives Jones, Daus, Haywood, Hilgemann, Thompson, Villa, Johnson (61), Wilson (42), Hubbard, Carnahan, Hoskins, El-Amin, Boykins, Walton, Curls and Bland, relating to Harris-Stowe State College.

**HB 1659**, introduced by Representative Jones, relating to special business districts.

**HB 1660**, introduced by Representative Lager, relating to accident reports.

**HB 1661**, introduced by Representatives Wilson (130), Jackson, Hobbs, Nieves, Ruestman and Stevenson, relating to school for the deaf.

**HB 1662**, introduced by Representative Cunningham (86), relating to workers' compensation.

**HB 1663**, introduced by Representative Sander, relating to special license plates.

**HB 1664**, introduced by Representatives Hanaway, Wilson (119), Cooper (120), Reinhart, Page, Quinn, Pearce and Yates, relating to business entities.

**HB 1665**, introduced by Representatives Hanaway, Wilson (119), Cooper (120), Reinhart, Page, Pearce and Yates, relating to securities regulation.

**HB 1666**, introduced by Representatives Ruestman, Hunter, Stevenson, Viebrock, Wilson (130), Reinhart, Myers, Crowell, Bean, Dempsey, May, Kingery, Wright, St. Onge, Dougherty, Baker, Sander, Nieves, Self, Icet, Dixon, Bivins, Schaaf, Ervin, Schlottach, Munzlinger, Lembke, Threlkeld, Pearce and Cooper (155), relating to special license plates for the American Heart Association.

**HB 1667**, introduced by Representatives Ruestman, Viebrock, Hunter, Stevenson, Wilson (130), Crowell, Bean, Reinhart, Wright, Myers, Dempsey, Morris, Guest, May, Kingery, Pearce, Emery, Byrd, Wilson (119), St. Onge, Dougherty, Baker, Stefanick, Sander, Nieves, Self, Lager, Quinn, Lipke, Goodman, Icet, Dixon, Bivins, Schaaf, Munzlinger, Mayer, Cooper (155), Ervin, Schlottach, Engler, Bough, Purgason, Sutherland, Dusenberg, Jackson, Hobbs, Rector, Lembke, Threlkeld, Bearden, Portwood, Cooper (120), Townley, Wood, Cunningham (145), King and Smith (118), relating to the designation of a certain highway.

**HB 1668**, introduced by Representatives Schneider, Dempsey, Kratky, Corcoran, Ervin, Wood, Johnson (47), Dixon, Jackson, Hubbard, Cooper (120), Ruestman, Smith (118), Moore, Deeken, Lager, Smith (14) and Parker, relating to the creation of theater, cultural arts, and entertainment districts.

## **PERFECTION OF HOUSE BILLS**

**HCS HB 852**, relating to immunizations, was taken up by Representative Holand.

Representative Holand offered **HS HCS HB 852**.

Representative Harris (23) offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 852, Page 1, Section 191.235, Line 11, by deleting the word “eight” and inserting in lieu thereof the word “**seven**”; and

Further amend said section, Page 2, Line 9, by deleting the word “an” and inserting in lieu thereof the words “**a pending**”.

Representative Harris (23) moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Holand, **HS HCS HB 852** was adopted.

On motion of Representative Holand, **HS HCS HB 852** was ordered perfected and printed.

**HCS HB 1215**, relating to escape from commitment, was taken up by Representative Engler.

On motion of Representative Engler, **HCS HB 1215** was adopted.

On motion of Representative Engler, **HCS HB 1215** was ordered perfected and printed.

**HB 1183**, relating to the county law enforcement restitution fund, was taken up by Representative Mayer.

Representative Smith (118) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 1183, Page 4, Section 559.021, Line 47, by inserting immediately after said line the following:

"Section 1. After September 1, 2004, no fund shall be created to be used as a depository for moneys received or collected to fund additional costs and expenses incurred by any county office. Any money received or collected to fund additional costs and expenses incurred by any county office, excluding any moneys collected pursuant to any section in effect before September 1, 2004, shall be deposited in the general revenue fund of the county."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Smith (118), **House Amendment No. 1** was adopted.

On motion of Representative Mayer, **HB 1183, as amended**, was ordered perfected and printed.

**HCS HB 1290**, relating to income tax refund designations, was taken up by Representative Portwood.

Representative Portwood offered **HS HCS HB 1290**.

On motion of Representative Portwood, **HS HCS HB 1290** was adopted.

On motion of Representative Portwood, **HS HCS HB 1290** was ordered perfected and printed.

**HCS HB 959**, relating to financial services, was taken up by Representative Luetkemeyer.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 959, Page 14, Section 408.480, Line 1 of said section, by deleting the word “**changes**” and by inserting in lieu thereof the word “**charges**”; and

Further amend said bill, Page 16, Section 570.223, Lines 1 through 104 of said section, by deleting such section;  
and

Further amend said bill, Page 19, Section 570.224, Lines 1 through 9 of said section, by deleting such section;  
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 959, Page 16, Section 443.130, Line 2, by deleting said line and by inserting in lieu thereof the following:

“**debt secured pursuant to this chapter**, does not, within [fifteen] **forty-five** [business] days after”; and

Further amend said section, Line 5 of said section, by deleting Lines 5 and 6 and by inserting in lieu thereof the following:

“aggrieved] **mortgagor for an amount of three hundred dollars a day, but no more than** ten percent [upon] of the amount of the”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Angst	Baker	Bean	Bearden	Behnen
Bivins	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	Moore	Morris	Munzlinger	Myers
Nieves	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander

Schaaf	Schlottach	Schneider	Self	Shoemaker
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wasson	Wilson 119	Wilson 130	Wood
Wright	Yates	Madam Speaker		

NOES: 070

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curts	Darrough	Daus	Davis 122
Donnelly	El-Amin	Fraser	George	Graham
Green	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hoskins	Hubbard	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	Lawson	LeVota	Liese	Lowe
McKenna	Meadows	Meiners	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Spreng	Swinger
Thompson	Villa	Vogt	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 004

Avery	Miller	Wagner	Willoughby
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On motion of Representative Luetkemeyer, **HCS HB 959, as amended**, was adopted.

On motion of Representative Luetkemeyer, **HCS HB 959, as amended**, was ordered perfected and printed.

**HCS HB 1115**, relating to the Commonsense Consumption Act, was taken up by Representative Dempsey.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1115, Page 2, Section 537.900, Line 19, by inserting after the word “marketer” the following: “, **retailer**”; and

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

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

On motion of Representative Dempsey, **HCS HB 1115, as amended**, was adopted.

On motion of Representative Dempsey, **HCS HB 1115, as amended**, was ordered perfected and printed.

**HCS HB 898**, relating to a prescription drug repository program, was taken up by Representative Johnson (47).

Representative Johnson (47) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 898, Page 3, Section 196.979, Line 20, by inserting after the word "**fee**" the following: "**, not to exceed a maximum of two hundred percent of the Medicaid dispensing fee,**"; and

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

On motion of Representative Johnson (47), **House Amendment No. 1** was adopted.

Representative Johnson (47) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 898, Page 4, Section 196.984, Line 12, by inserting after the word "**program**" the following:

**". For purposes of this subdivision, "economic need" means a net family income below three hundred percent of the federal poverty level"; and**

Further amend said bill, Page 4, Section 196.984, Lines 33 to 35, by deleting all of said lines and inserting in lieu thereof the following:

**"2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 196.970 to 196.984 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 196.970 to 196.984 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and**

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

On motion of Representative Johnson (47), **House Amendment No. 2** was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 898, Page 1, Section 196.973, Line 10, by deleting the word "**and**"; and

Further amend said bill, Page 1, Section 196.973, Line 11, by inserting at the end of said line the following:

**"and  
(h) A podiatrist;"**; and

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

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

On motion of Representative Johnson (47), **HCS HB 898, as amended**, was adopted.

On motion of Representative Johnson (47), **HCS HB 898, as amended**, was ordered perfected and printed.

**HCS HB 855**, relating to health insurance, was taken up by Representative Holand.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 855, Page 3, Section 376.810, Line 20, by deleting all of said lines and inserting in lieu thereof the following:

"policy" shall also include [group or individual contract] **individually underwritten coverage** issued by a health maintenance"; and

Further amend said bill, Page 6, Section 376.826, Line 1, by deleting the number "376.840" and inserting in lieu thereof the following: "[376.840] **376.836**"; and

Further amend said bill, Page 6, Section 376.826, Line 10, by deleting all of said line and inserting in lieu thereof the following:

"provide for hospital treatments. The term shall also include any [group or individual contract] **individually underwritten coverage**"; and

Further amend said bill, Page 7, Section 376.836, Lines 6 to 10, by deleting all of said lines and inserting in lieu thereof the following:

"2. [The director shall perform a study to assess the impact of the mental health and substance abuse insurance act on insurers, business interests, providers, and consumers of mental health and substance abuse treatment services. The director shall report the findings of this study to the general assembly by January 1, 2004.] **The provisions of sections 376.825 to 376.836 shall not expire on January 1, 2005.**"; and

Further amend said bill, Page 8, Section 376.1550, Line 62, by inserting at the end of said line the following:

**"The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held**

**unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and**

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 855, Pages 1 and 2, Section 376.779, Lines 1 through 37, by removing said section from the bill; and

Further amend said bill, Page 8, Section 376.1550, Line 30, by adding after the word, “**Disorders**,” the following, “**except treatment for alcoholism and chemical dependency.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Stevenson moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Speaker Hanaway resumed the Chair.

On motion of Representative Holand, **HCS HB 855, as amended**, was adopted by the following vote:

AYES: 113

Abel	Barnitz	Behnen	Bishop	Bivins
Black	Bland	Bough	Bringer	Brooks
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Curls	Darrough	Daus	Davis 122
Deeken	Dempsey	Dougherty	El-Amin	Engler
Fares	Fraser	George	Goodman	Graham
Green	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Holand	Hoskins	Hubbard
Jackson	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	King	Kingery	Kratky	Kuessner
Lawson	Lembke	LeVota	Liese	Lipke
Lowe	May	Meadows	Meiners	Moore
Muckler	Page	Parker	Portwood	Pratt
Quinn	Ransdall	Richard	Ruestman	Rupp
Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
Stefanick	Sutherland	Swinger	Thompson	Threlkeld
Viebrock	Villa	Vogt	Walker	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Wilson 130	Wilson 25	Wilson 42	Witte	Yaeger
Young	Zweifel	Madam Speaker		



NOES: 039

Angst	Baker	Bearden	Brown	Cunningham 86
Davis 19	Dethrow	Dixon	Dusenberg	Emery
Ervin	Guest	Hobbs	Hunter	Ice
Jetton	Johnson 47	Kelly 144	Lager	Luetkemeyer
Mayer	Morris	Munzlinger	Myers	Nieves
Pearce	Phillips	Purgason	Rector	Reinhart
Roark	Shoemaker	St. Onge	Stevenson	Townley
Wilson 119	Wood	Wright	Yates	

PRESENT: 003

Bean	Taylor	Wallace
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ABSENT WITH LEAVE: 008

Avery	Boykins	Donnelly	Marsh	McKenna
Miller	Wagner	Willoughby		

On motion of Representative Holand, **HCS HB 855, as amended**, was ordered perfected and printed.

**HCS HB 1055, as amended**, relating to sexual offenses, was taken up by Representative Bruns.

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

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 1055, Page 1, Section 566.140, Line 1, by inserting before all of said line the following:

"556.037. **Notwithstanding** the provisions of section 556.036, [to the contrary notwithstanding,] prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within [ten] **twenty** years after the victim reaches the age of eighteen **unless the prosecutions are for forcible rape, attempted forcible rape, forcible sodomy, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.**"; and

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

On motion of Representative Lembke, **House Amendment No. 9** was adopted.

On motion of Representative Bruns, **HCS HB 1055, as amended**, was adopted.

On motion of Representative Bruns, **HCS HB 1055, as amended**, was ordered perfected and printed.

**HCS HB 1041, as amended, with House Substitute Amendment No. 1 for House Amendment No. 10 and House Amendment No. 10, pending**, relating to school personnel, was taken up by Representative Cunningham (86).

Representative Pratt offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 10.**

*House Amendment No. 1*  
*to*  
*House Substitute Amendment No. 1*  
*for*  
*House Amendment No. 10*

AMEND House Substitute Amendment No. 1 to House Amendment No. 10 to House Committee Substitute for House Bill No. 1041, Lines 6 and 7 of Subsection 2 of said amendment by deleting the following on said lines:

**“behavior, whether it be during school hours or during extra-curricular activities.”; and**

Further amend said substitute amendment, Line 6 of Subsection 2 of said amendment, by inserting at the beginning of said line the following: **“behavior.”.**

On motion of Representative Pratt, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 10** was adopted.

On motion of Representative Willoughby, **House Substitute Amendment No. 1 for House Amendment No. 10, as amended**, was adopted by the following vote:

AYES: 132

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bland
Bringer	Brooks	Brown	Bruns	Burnett
Byrd	Carnahan	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Darrough
Daus	Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Hobbs	Hoskins
Hubbard	Hunter	Ice	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota	Liese
Lipke	Luetkemeyer	May	Mayer	Meadows
Meiners	Moore	Morris	Muckler	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
Stefanick	Stevenson	Sutherland	Swinger	Thompson
Threlkeld	Townley	Villa	Vogt	Walsh
Walton	Ward	Whorton	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright	Yates
Zweifel	Madam Speaker			

NOES: 020

Bivins	Bough	Campbell	Curls	Henke
Hilgemann	Lawson	Lowe	Richard	Schaaf
St. Onge	Taylor	Viebrock	Walker	Wallace
Wasson	Wildberger	Wilson 119	Yaeger	Young

PRESENT: 001

Fares

ABSENT WITH LEAVE: 010

Avery	Boykins	Donnelly	Holand	Marsh
McKenna	Miller	Portwood	Wagner	Willoughby

### Representative Purgason offered **House Amendment No. 11.**

#### *House Amendment No. 11*

AMEND House Committee Substitute for House Bill No. 1041, Page 1, Section A, Line 3, by inserting after all of said line the following:

“105.454. No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum, **or in the case of a school board five thousand dollars per annum**, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received.

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or one thousand five hundred dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by

executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.”; and

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

On motion of Representative Purgason, **House Amendment No. 11** was adopted.

Representative Wilson (42) offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for House Bill No. 1041, Page 2, Section 168.110, Lines 1 to 18, by striking said section from the bill; and

Further amend said bill, Pages 2 to 3, Section 168.126, Lines 1 to 49, by striking said section from the bill; and

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

Speaker Pro Tem Jetton assumed the Chair.

Representative Wilson (42) moved that **House Amendment No. 12** be adopted.

Which motion was defeated by the following vote:

AYES: 065

Abel	Bishop	Bland	Bough	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122
Dougherty	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 90	Jolly
Jones	Kelly 36	Kratky	LeVota	Liese
Lowe	Meadows	Meiners	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Spreng	Swinger
Thompson	Villa	Vogt	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

NOES: 088

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bivins	Black	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	Icet	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Kuessner
Lager	Lembke	Lipke	Luetkemeyer	May
Mayer	Moore	Morris	Munzlinger	Myers
Nieves	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Self	Shoemaker
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wasson	Wilson 119	Wilson 130	Wood
Wright	Yates	Madam Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 010

Avery	Donnelly	El-Amin	Johnson 61	Lawson
Marsh	McKenna	Miller	Wagner	Willoughby

On motion of Representative Cunningham (86), **HCS HB 1041, as amended**, was adopted.

On motion of Representative Cunningham (86), **HCS HB 1041, as amended**, was ordered perfected and printed.

**HCS HB 1278**, relating to insurance, was taken up by Representative Luetkemeyer.

Representative Johnson (47) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1278, Page 3, Section 374.160, Line 45, by inserting after all of said line the following:

"375.001. As used in sections 375.001 to 375.008 the following words and terms mean:

(1) **"Claim"**, unless otherwise defined in sections 375.001 to 375.008, any specific request or demand for payment of a loss which may be included within the terms of coverage of an insurance policy. A mere inquiry into whether a policy will cover a loss shall not constitute a claim;

(2) **"Insurer"**, all insurance companies, reciprocals, or interinsurance exchanges transacting the business of insurance in this state;

[(2)] (3) **"Nonpayment of premium"**, failure of the [named] insured to discharge when due any of his obligations in connection with the payment of premiums on the policy, or any installment of the premium, whether the premium is payable directly to the insurer or its [agent] **producer** or indirectly under any premium finance plan or extension of credit;

[(3)] (4) **"Nonrenewal"**, the determination of an insurer not to issue or deliver a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer or a certificate or notice extending the term of a policy beyond its policy period or term;

[(4)] (5) **"Policy"**, a contract of insurance providing fire and extended coverage insurance, whether separately or in combination with other coverages, on owner-occupied habitational property not exceeding two families. "Policy" does not include any insurance contracts issued under a property insurance inspection and placement program ("FAIR" plan) or an assigned risk plan[, or any insurance contracts insuring property not used predominantly for habitational purposes, or an insurance contract insuring a mobile home];

[(5)] (6) **"Renewal"** or "to renew", the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a

certificate or notice extending the term of the policy beyond its policy period or term. Any policy with a policy period or term of less than six months shall for the purposes of sections 375.001 to 375.008 be considered as if written for a policy period or term of six months. Any policy written for a term longer than one year or any policy with no fixed expiration date, shall for the purpose of sections 375.001 to 375.008, be considered as if written for successive policy periods or terms of one year, and the policy may be terminated at the expiration of any annual period upon giving [thirty] **sixty** days' notice of cancellation prior to the anniversary date, and the cancellation shall not be subject to any other provisions of sections 375.001 to 375.008;

**(7) "Weather-related claim", loss resulting from an act of God which an insured is unable to control and is unable to reasonably reduce the risk that such peril will damage the insured property.";** and

Further amend said bill, Page 80, Section 384.065, Line 15, by inserting after all of said line the following:

**"Section 1. 1. No insurer shall use weather-related claims as a basis for the insurer's decision to refuse to renew a policy.**

**2. No insurer shall consider as a claim any inquiry by the insured into whether a policy will cover a loss or as to the type or level of coverage. No insurer shall use such inquiries as a basis for nonrenewing the policy.";** and

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

On motion of Representative Johnson (47), **House Amendment No. 1** was adopted by the following vote:

AYES: 121

Abel	Angst	Baker	Barnitz	Bishop
Black	Bland	Bough	Boykins	Bringer
Brooks	Brown	Burnett	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Deeken	Dempsey	Dougherty	Dusenberg	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Icet	Jackson	Johnson 47
Johnson 90	Jolly	Jones	Kelly 36	King
Kingery	Kuessner	LeVota	Liese	Lipke
Lowe	Mayer	Meadows	Meiners	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Portwood	Pratt
Purgason	Quinn	Reinhart	Richard	Ruestman
Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	Stefanick
Sutherland	Swinger	Taylor	Threlkeld	Viebrock
Villa	Vogt	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 027

Bean	Bearden	Behnen	Bivins	Bruns
Crawford	Crowell	Davis 19	Dethrow	Dixon
Guest	Hunter	Jetton	Kelly 144	Lager

Lembke	Luetkemeyer	May	Phillips	Rector
Roark	Rupp	Shoemaker	St. Onge	Stevenson
Townley	Wilson 119			

PRESENT: 000

ABSENT WITH LEAVE: 015

Avery	Donnelly	El-Amin	Hampton	Johnson 61
Kratky	Lawson	Marsh	McKenna	Miller
Ransdall	Seigfreid	Thompson	Wagner	Willoughby

## Representative Ervin offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1278, Page 1, Section 374.160, Line 1, by inserting before all of said line the following:

“374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance department fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the "Department of Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department of insurance attributable to duties performed by the department as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385, RSMo, due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the department of insurance dedicated fund. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds [two times] **twenty-five percent** of the total amount appropriated, paid, or transferred to the fund during such fiscal year.

[3. Notwithstanding the provisions of this section to the contrary, fifty-five percent of the balance in the department of insurance dedicated fund as of the effective date of this act or six million fifteen thousand eight hundred and fifty-five dollars, whichever is greater, shall be subject to an immediate one-time transfer to the state general revenue fund.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS HB 1278, as amended, with House Amendment No. 2 pending, was laid over.**

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 1305** - Budget (Fiscal Note)  
**HB 1613** - Special Committee on General Laws  
**HB 1635** - Local Government

## COMMITTEE REPORTS

**Committee on Communications, Energy and Technology**, Chairman Rector reporting:

Madam Speaker: Your Committee on Communications, Energy and Technology, to which was referred **HB 822**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Conservation and Natural Resources**, Chairman Townley reporting:

Madam Speaker: Your Committee on Conservation and Natural Resources, to which was referred **SCS SCR 41**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 1427**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Judiciary**, Chairman Byrd reporting:

Madam Speaker: Your Committee on Judiciary, to which was referred **HB 798**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Madam Speaker: Your Committee on Judiciary, to which was referred **HB 1364**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Professional Registration and Licensing**, Chairman Behnen reporting:

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1246**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1422**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1622**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.



**Committee on Small Business**, Chairman St. Onge reporting:

Madam Speaker: Your Committee on Small Business, to which was referred **HB 1572**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

### **MESSAGES FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 37**.

#### **SENATE CONCURRENT RESOLUTION NO. 37**

WHEREAS, the best way to improve Missouri's schools is to:

- (1) Reinforce local control of schools;
- (2) Demand greater accountability by state and local administrators which will reduce waste and ensure more money goes to classrooms and less to bureaucrats;
- (3) Reduce state and federal regulations that cause the misallocation of resources to fund the wrong priorities and eliminate unnecessary and burdensome regulations that stifle teachers and school districts from improving education;
- (4) Support our teachers by looking for new, innovated and practical ideas that the General Assembly can address to assist teachers in the classroom:

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 establish the "Joint Interim Committee on Teacher Support, Regulatory Reduction and Accountability"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, with five members of the Senate to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and no more than six members of such committee shall be from the same political party; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the rules and policies concerning the administrative burdens for teachers; identify opportunities that will allow for greater flexibility, innovation, and freedom to improve teaching opportunities and the quality of a classroom education; identify tax credits, resources, support services and funding for those support services and review classroom technology, including replacement and upgrade of computer hardware and software; review classroom liability and discipline issues facing teachers and look at ways to improve alternative schools; and solicit extensive testimony and opinions from teachers on what additional tools, support systems, legislation, training and funding they need to improve Missouri's educational system; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2005.

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 **SS SCS SB 968**, entitled:

An act to repeal sections 168.104, 168.124, 168.126, 168.303, and 169.712, RSMo, and to enact in lieu thereof five new sections relating to teachers.

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 **SB 1048**, entitled:

An act to repeal sections 137.101 and 301.025, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle registration process for certain organizations.

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 1160**, entitled:

An act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions for a certain section.

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 **SB 1162**, entitled:

An act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

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 1218**, entitled:

An act to repeal section 335.016, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

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 **SB 1229**, entitled:

An act to repeal section 221.111, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of certain substances in correctional facilities, with penalty provisions.

In which the concurrence of the House is respectfully requested.

## COMMUNICATIONS

March 10, 2004

Mr. Stephen S. Davis  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Dear Mr. Davis:

Pursuant to Sections 105.452 to 105.461, RSMo, I hereby give notice that my husband, James “Jim” Wilson, is serving on the Kansas City Board of Police Commissioners.

I request that you publish this notice in the House Journal. Thank you very much.

Sincerely,

/s/ Yvonne S. Wilson  
State Representative, District 42

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March 10, 2004

Stephen Davis, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Pursuant to Chapters 105.452 to 105.461, RSMo., this letter is an official report that I have invested in agriculture value-added cooperative in which I may be eligible to receive New Generation Cooperative Incentive Tax Credits or loan guarantees. I would not have more than a ten percent interest in the proposed value-added venture.

In order for me to comply with Chapters 105.452 to 105.461, please publish this report in the Journal of the House.

Sincerely,

/s/ Brian Munzlinger  
District 1

## ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, March 11, 2004.

## **CORRECTIONS TO THE HOUSE JOURNAL**

### **AFFIDAVITS**

I, State Representative Russ Carnahan, District 59, hereby state and affirm that my vote as recorded on Pages 556 and 557 of the House Journal for Tuesday, March 9, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. 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 10th day of March 2004.

/s/ Russ Carnahan  
State Representative

State of Missouri        )  
                                      ) ss.  
County of Cole         )

Subscribed and sworn to before me this 10th day of March in the year 2004.

/s/ Patricia W. Parris  
Notary Public

Attest: /s/ Joan Branson  
Clerk

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I, State Representative Trent Skaggs, District 31, hereby state and affirm that my vote as recorded on Pages 556 and 557 of the House Journal for Tuesday, March 9, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. 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 10th day of March 2004.

/s/ Trent Skaggs  
State Representative

State of Missouri        )  
                                      ) ss.  
County of Cole         )

Subscribed and sworn to before me this 10th day of March in the year 2004.

/s/ Patricia W. Parris  
Notary Public

Attest: /s/ Stephen S. Davis  
Clerk

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I, State Representative John Quinn, District 7, hereby state and affirm that my vote as recorded on Pages 561 and 562 of the House Journal for Tuesday, March 9, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. 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 10th day of March 2004.

/s/ John Quinn  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 10th day of March in the year 2004.

/s/ Patricia W. Parris  
Notary Public

Attest: /s/ Joan Branson  
Clerk

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## COMMITTEE MEETINGS

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

Thursday, March 11, 2004, 8:15 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. Possible mark up.  
Executive session may follow. CANCELLED

### BUDGET

Thursday, March 11, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearings to be held on: HJR 49, HB 1001, HB 1002, HB 1003, HB 1004,  
HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012

### BUDGET

Thursday, March 11, 2004, Hearing Room 3 upon morning adjournment.

Possible Executive session.

Public hearings to be held on: HJR 49, HB 1001, HB 1002, HB 1003, HB 1004,  
HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012

### COMMUNICATIONS, ENERGY AND TECHNOLOGY

Thursday, March 11, 2004, House Chamber side gallery upon morning adjournment.

Executive session for other bills may follow. AMENDED

Public hearing to be held on: HB 1575

Executive session will be held on: HB 1493

### CONSERVATION AND NATURAL RESOURCES

Thursday, March 11, 2004, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: SB 808, HB 1326, HB 1279

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, March 11, 2004, 8:30 a.m. Hearing Room 4.

Executive session may follow AMENDED

Public hearings to be held on: HB 1258, HB 1298

JOB CREATION AND ECONOMIC DEVELOPMENT

Monday, March 15, 2004, 2:30 p.m. House Chamber side gallery.

Executive session will be held on: HB 1529

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 11, 2004, 1:00 p.m. Hearing Room 1.

Report from Revision Subcommittee.

Oversight program evaluation on Office of Administration, Division of Facilities Management, State Leasing Practices and any other business.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Monday, March 29, 2004, 1:00 p.m. Senate Lounge.

Topics for discussion. Remarks from MoDOT, Inspector General, MoDOT cleanup legislation, One Stop Shop.

JUDICIARY

Thursday, March 11, 2004, House Chamber side gallery upon morning adjournment.

Executive session. Potential reconsideration of votes taken on 3-9-04.

LOCAL GOVERNMENT

Thursday, March 11, 2004, 8:15 a.m. Hearing Room 6.

Executive session will follow. AMENDED

Public hearings to be held on: HB 1292, HB 1608, HB 1634, HB 1612, HB 1321, HB 1635

LOCAL GOVERNMENT

Thursday, March 18, 2004, 8:15 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1199, HB 1292, HB 1446, SS SB 732, SCS SB 1062

RETIREMENT

Thursday, March 11, 2004, 8:30 a.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1316, HB 1356, HB 1357, HB 1480, HB 1502

RULES

Thursday, March 11, 2004, 8:30 a.m. House Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HR 95, HR 264, HR 372, HR 392, HR 397, HR 464, HR 485, HR 624, HR 650, HR 720, HR 745, HR 796

**SPECIAL COMMITTEE ON GENERAL LAWS**

Thursday, March 11, 2004, House Chamber side gallery upon morning adjournment.

Public hearing to be held on: HB 1613

Executive session will be held on: HB 1631, SCS SB 859

**SPECIAL COMMITTEE ON URBAN ISSUES**

Thursday, March 11, 2004, Hearing Room 5 upon morning adjournment.

Executive session to follow.

Public hearing to be held on: HB 1255

**TAX POLICY**

Thursday, March 11, 2004, House Chamber side gallery upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 1324

**TRANSPORTATION AND MOTOR VEHICLES**

Thursday, March 11, 2004, 8:00 a.m. House Chamber side gallery. AMENDED

Executive session will be held on: HB 1366, HB 1049, HB 1408, HB 1437, HB 1284, HB 1374, HB 1489, HB 1449, HB 928, HB 1442, HB 1438, HB 1610, HB 1508, HB 1504, HB 1396, HB 1063, HB 1123, HB 1335, HB 1201, HB 1280

**HOUSE CALENDAR**

THIRTY-SEVENTH DAY, THURSDAY, MARCH 11, 2004

**HOUSE BILLS FOR SECOND READING**

HB 1651 through HB 1668

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 28 - Roark (139)
- 2 HCS HJR 39, 38, 42 & 47 - Engler (106)
- 3 HCS HJR 35 - Dethrow (153)

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 978 - Baker (123)
- 3 HCS HB 1380 - Lager (4)
- 4 HCS HB 1278, as amended, HA 2, pending - Luetkemeyer (115)
- 5 HCS HB 1150 - May (149)
- 6 HB 1092 - Deeken (114)
- 7 HCS HB 1207 - Icet (84)
- 8 HCS HB 1566 - Stefanick (93)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/04/04)

- 1 HCS HB 1363 - Fares (91)
- 2 HCS HB 1439 - Crawford (117)
- 3 HB 826 - Kelly (144)
- 4 HB 1291 - Pearce (121)
- 5 HB 956 - May (149)
- 6 HB 1398 - Lager (4)
- 7 HCS HB 1399 - Lager (4)
- 8 HB 1259 - Threlkeld (109)
- 9 HB 1317 - Kingery (154)
- 10 HB 937 - Moore (20)
- 11 HB 904 - Luetkemeyer (115)
- 12 HB 824 - Seigfreid (26)
- 13 HCS HB 883 - Graham (24)
- 14 HB 884 - Ward (107)
- 15 HCS HB 912 - Page (82)
- 16 HB 1029, HCA 1 - Henke (11)
- 17 HB 1114 - Skaggs (31)
- 18 HB 1142, HCA 1 - Daus (67)
- 19 HCS HB 1171 - Rector (124)
- 20 HCS HB 1192 - Schlottach (111)
- 21 HB 1223 - Ward (107)
- 22 HCS HB 1471 - Brooks (37)

(3/10/04)

- 1 HCS HB 985 - Wood (62)
- 2 HB 996 - Dusenberger (54)
- 3 HCS HB 1136 - Rupp (13)
- 4 HB 1187 - Ervin (35)
- 5 HB 1188 - Lipke (157)
- 6 HCS HB 1288 - Dougherty (53)
- 7 HCS HB 1179 - Corcoran (77)
- 8 HCS HB 1347 - Jetton (156)
- 9 HCS HB 1456 - Black (161)

(3/11/04)

- 1 HCS HB 798 - Shoemaker (8)
- 2 HB 822 - Luetkemeyer (115)
- 3 HCS HB 1246 - Portwood (92)
- 4 HCS HB 1422 - Stefanick (93)



- 5 HB 1427 - Portwood (92)
- 6 HB 1364 - Bishop (38)
- 7 HB 1572 - St. Onge (88)
- 8 HB 1622 - Wasson (141)

#### **HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

HCS HB 1014 - Bearden (16)

#### **HOUSE BILLS FOR THIRD READING**

- 1 HS HCS HB 1304 - Byrd (94)
- 2 HCS HB 1305, (Budget 3/10/04) - Byrd (94)
- 3 HS HCS HB 852 - Holand (135)
- 4 HCS HB 1215, E.C. - Engler (106)
- 5 HB 1183 - Mayer (159)
- 6 HS HCS HB 1290 - Portwood (92)
- 7 HCS HB 959 - Luetkemeyer (115)
- 8 HCS HB 1115 - Dempsey (18)
- 9 HCS HB 898 - Johnson (47)
- 10 HCS HB 855 - Holand (135)
- 11 HCS HB 1055 - Bruns (113)
- 12 HCS HB 1041 - Cunningham (86)

#### **SENATE CONCURRENT RESOLUTION**

SCS SCR 41 - (3/9/04, Pages 568 - 569) Quinn (7)

#### **SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 968
- 2 SB 1048
- 3 SCS SB 1160
- 4 SB 1162
- 5 SCS SB 1218
- 6 SB 1229

#### **VETOED HOUSE BILL**

HCR 5 - Byrd (94)