

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

FIFTIETH DAY, TUESDAY, APRIL 13, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

Holy Lord, our God, we praise and thank You for holidays, which give us extra time with our families, time to rest, and time to think.

Lord of Spring, working in our world, You call forth new life everywhere. Every one of us saw it as we traveled here today. You lead us into harmony with nature, bringing Spring into our lives, and new life into our Spring.

We have stepped out of the Spring weather into our place of work. Lord God, keep the vitality of Spring alive in us, as we move into this season of our work. Important issues are before us; significant decisions are to be made. Give us the virtue of listening to one another, the discipline to do the homework needed, the wisdom to discern the truth, and the courage to stand always for what is right.

We pray to You, our God, for ever and ever. 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: Vaneta Lee, Emily Cunningham, Trisha Counce, Daniela Daniels, Larisha Jones, Kristi Buchannan and Chad Day.

The Journal of the forty-ninth day was approved as printed.

Representative Engler assumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1647 - Representative Cunningham (145)
House Resolution No. 1648 - Representative Cooper (120)
House Resolution No. 1649 - Representative Moore
House Resolution No. 1650 - Representative Ervin
House Resolution No. 1651 - Representative Dixon
House Resolution No. 1652 - Representative Hanaway
House Resolution No. 1653 - Representatives Crawford and Pratt

- House Resolution No. 1654
through
House Resolution No. 1667 - Representative Portwood
House Resolution No. 1668 - Representative Kingery
House Resolution No. 1669
through
House Resolution No. 1672 - Representative Wood
House Resolution No. 1673
through
House Resolution No. 1676 - Representative Bough
House Resolution No. 1677 - Representative Harris (110)
House Resolution No. 1678 - Representative May
House Resolution No. 1679 - Representatives Jolly and Meiners
House Resolution No. 1680
and
House Resolution No. 1681 - Representative Jolly
House Resolution No. 1682 - Representative Sager, et al
House Resolution No. 1683
and
House Resolution No. 1684 - Representative Sager
House Resolution No. 1685 - Representative LeVota, et al
House Resolution No. 1686 - Representative Johnson (61)
House Resolution No. 1687 - Representatives Hubbard and Boykins
House Resolution No. 1688 - Representative Schlottach
House Resolution No. 1689 - Representative McKenna
House Resolution No. 1690
and
House Resolution No. 1691 - Representative Jetton
House Resolution No. 1692 - Representative Liese
House Resolution No. 1693
through
House Resolution No. 1697 - Representative Guest
House Resolution No. 1698 - Representative Smith (14)

INTRODUCTION OF HOUSE BILLS

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

HB 1730, introduced by Representative Stevenson, relating to the authority to audit.

HB 1731, introduced by Representative Muckler, relating to child support.

SECOND READING OF HOUSE BILL - APPROPRIATIONS

HB 1021 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1727 through **HB 1729** were read the second time.

SECOND READING OF SENATE BILL

SS SCS SBs 1233, 840 & 1043 was read the second time.

COMMITTEE REPORT

Committee on Budget, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HS HCS HB 1453** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILL

HCS HB 774, relating to waste tires, was taken up by Representative Sander.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 774, Section 260.279.1 (5), Page 3, Line 31, by inserting immediately after the word, “**product.**”, the following:

“**For the purposes of this subsection, the landfilling of waste tires, waste tire chips, or waste tire shreds in any manner, including landfill cover, shall not permit the vendor a preference.**”; and

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

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

On motion of Representative Sander, **HCS HB 774, as amended**, was adopted.

On motion of Representative Sander, **HCS HB 774, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILLS

HS HCS HB 1207, relating to levee districts, was taken up by Representative Icet.

On motion of Representative Icet, **HS HCS HB 1207** was read the third time and passed by the following vote:

1056 *Journal of the House*

AYES: 131

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Brown	Bruns
Burnett	Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Darrough	Daus	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	George
Goodman	Graham	Green	Guest	Hampton
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 90	Jones	Kelly 144	King	Kingery
Kratky	Kuessner	Lager	Lembke	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meadows	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Skneider	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Swinger	Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Wagner	Wallace	Ward
Wasson	Willoughby	Wilson 119	Wilson 130	Witte
Wood	Wright	Yates	Young	Zweifel
Madam Speaker				

NOES: 029

Bringer	Brooks	Davis 122	Donnelly	Fraser
Harris 110	Harris 23	Haywood	Henke	Johnson 61
Jolly	Kelly 36	Lawson	LeVota	Liese
Meiners	Sager	Salva	Schoemehl	Seigfreid
Vogt	Walker	Walsh	Walton	Whorton
Wildberger	Wilson 25	Wilson 42	Yaeger	

PRESENT: 000

ABSENT WITH LEAVE: 003

Avery	Curis	Dougherty
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Representative Engler declared the bill passed.

HS HCS HB 1511, relating to a trust and estate administration, was taken up by Representative Byrd.

On motion of Representative Byrd, **HS HCS HB 1511** was read the third time and passed by the following vote:

AYES: 157

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	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
Lembke	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	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	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 001

Selby

PRESENT: 002

Brooks Wilson 42

ABSENT WITH LEAVE: 003

Avery Curls Dougherty

Representative Engler declared the bill passed.

HS HCS HB 1453, relating to foster care, was taken up by Representative Hanaway.

On motion of Representative Hanaway, **HS HCS HB 1453** was read the third time and passed by the following vote:

1058 *Journal of the House*

AYES: 112

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Campbell	Cooper 120	Cooper 155
Crawford	Crowell	Cunningham 145	Cunningham 86	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Engler	Ervin	Fares	Goodman
Guest	Hampton	Harris 110	Henke	Hobbs
Holand	Hunter	Icet	Jackson	Jetton
Johnson 47	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	Lembke
Lipke	Luetkemeyer	Marsh	May	Mayer
McKenna	Meadows	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Salva
Sander	Schaaf	Schlottach	Schneider	Selby
Self	Shoemaker	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wagner	Wallace	Walton
Ward	Wasson	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Wood	Wright	Yates
Young	Madam Speaker			

NOES: 047

Abel	Bishop	Bland	Boykins	Bringer
Brooks	Burnett	Carnahan	Corcoran	Darrough
Daus	Davis 122	Donnelly	Fraser	George
Graham	Green	Harris 23	Haywood	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	LeVota	Liese	Lowe	Ransdall
Sager	Schoemehl	Seigfreid	Shoemyer	Skaggs
Spreng	Swinger	Thompson	Villa	Vogt
Walker	Walsh	Wilson 25	Wilson 42	Witte
Yaeger	Zweifel			

PRESENT: 001

El-Amin

ABSENT WITH LEAVE: 003

Avery Curls Dougherty

Representative Engler declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 117

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bivins	Black	Bough	Boykins
Brown	Bruns	Byrd	Campbell	Cooper 120
Cooper 155	Crawford	Crowell	Cunningham 145	Cunningham 86

Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hampton	Harris 110
Henke	Hobbs	Holand	Hubbard	Hunter
Icet	Jackson	Jetton	Johnson 47	Kelly 144
Kelly 36	King	Kingery	Kratky	Lager
Lawson	Lembke	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	Salva	Sander	Schaaf
Schlottach	Schneider	Seigfreid	Selby	Self
Shoemaker	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Villa	Wagner	Wallace
Walton	Ward	Wasson	Wildberger	Willoughby
Wilson 119	Wilson 130	Wood	Wright	Yates
Young	Madam Speaker			

NOES: 029

Abel	Bishop	Bringer	Burnett	Carnahan
Corcoran	Darrough	Daus	Donnelly	Fraser
Graham	Green	Harris 23	Haywood	Hilgemann
Jolly	Jones	LeVota	Liese	Sager
Schoemehl	Skaggs	Swinger	Vogt	Walker
Wilson 25	Witte	Yaeger	Zweifel	

PRESENT: 014

Bland	Brooks	El-Amin	George	Hoskins
Johnson 61	Johnson 90	Kuessner	Lowe	Shoemyer
Thompson	Walsh	Whorton	Wilson 42	

ABSENT WITH LEAVE: 003

Avery	Curls	Dougherty
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PERFECTION OF HOUSE BILLS

HCS HB 1617, relating to obstruction of securities investigations, was taken up by Representative Hanaway.

On motion of Representative Hanaway, **HCS HB 1617** was adopted.

On motion of Representative Hanaway, **HCS HB 1617** was ordered perfected and printed.

HB 1664, relating to business entities, was taken up by Representative Hanaway.

On motion of Representative Hanaway, **HB 1664** was ordered perfected and printed.

HB 1665, relating to securities regulation, was taken up by Representative Hanaway.

On motion of Representative Hanaway, **HB 1665** was ordered perfected and printed.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

HCS SS SCS SB 1099 - Budget (Fiscal Note)

COMMITTEE REPORTS

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

Madam Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 1433**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Financial Services, Chairman Luetkemeyer reporting:

Madam Speaker: Your Committee on Financial Services, to which was referred **HB 1285**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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

Madam Speaker: Your Committee on Tax Policy, to which was referred **HB 1267**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

RECESS

On motion of Representative Bearden, the House stood at recess until the House Substitutes for **HCS HB 1195** and **HB 1409** were distributed.

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

ADJOURNMENT

On motion of Speaker Hanaway, the House adjourned until 10:00 a.m., Wednesday, April 14, 2004.

COMMITTEE MEETINGS

BUDGET

Thursday, April 15, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session. Fiscal review on HCS SS SCS SB 1099.

Committee will hear other bills assigned or referred for fiscal review. AMENDED

Public hearing to be held on: HB 1118

CHILDREN AND FAMILIES

Wednesday, April 14, 2004, 8:00 a.m. Hearing Room 1. AMENDED

Public hearings to be held on: HB 1339, HB 1263, SJR 29

CONSERVATION AND NATURAL RESOURCES

Wednesday, April 14, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1695

EDUCATION

Wednesday, April 14, 2004, House Chamber side gallery upon morning adjournment.

Executive session. If a hearing room becomes available, this notice will be amended.

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 14, 2004, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1476, SCS SB 1155,

SCS SB 1141, SB 1249, SCS SB 1269, SB 1344

JOINT COMMITTEE ON OUT-OF-SCHOOL PROGRAMS

Monday, April 19, 2004, 9:30 a.m. Hearing Room 6.

Departments of Mental Health, Economic Development, and Public Safety.

Discussion of letter to White House Task Force.

JUDICIARY

Wednesday, April 14, 2004, Hearing Room 1 upon morning adjournment.

Executive session may follow on bills other than those listed.

Public hearings to be held on: SB 1243, SB 1211, SCS SB 1195, SB 1111, SB 884,

SB 883, SB 1064, SCS SB 921, SCS SB 1066, SCS SB 799, SCS SB 827, SCS SB 983

Executive session will be held on: HB 1205, HB 986, HB 1143, HB 1148, HB 1269, SB 1007

LOCAL GOVERNMENT

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

Executive session may follow. AMENDED

Public hearings to be held on: SS SCS SB 1081, SB 1296, SB 951,

SCS SB 987, SB 1302, SB 1055

RULES

Thursday, April 15, 2004, 8:30 a.m. Hearing Room 5.

Executive session may follow. Note SB 1108 is revision bill SRB 1108.

Public hearings to be held on: HR 1033, SB 1108, SCR 30

SMALL BUSINESS

Wednesday, April 14, 2004, Hearing Room 4 upon morning adjournment.

Executive session may follow.

Public hearing to be held on: SS SS SB 718

TOURISM AND CULTURAL AFFAIRS

Wednesday, April 14, 2004, House Lounge upon morning adjournment.

Executive session. Reconsideration on HCR 15.

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, April 14, 2004, 12:00 p.m. Hearing Room 7.

Possible Executive session.

Public hearings to be held on: SCS SB 757, SCS SB 771, SB 772, SB 824,

SCS SB 845, SB 894, SB 899, SB 900, SCS SB 956, SCS SB 992, SB 1259, SB 870

HOUSE CALENDAR

FIFTY-FIRST DAY, WEDNESDAY, APRIL 14, 2004

HOUSE BILLS FOR SECOND READING

HB 1730 and HB 1731

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1380 - Lager (4)
- 3 HCS HB 1150 - May (149)
- 4 HB 1092 - Deeken (114)
- 5 HCS HB 843, 880 & 1042 - Angst (146)
- 6 HCS HB 1099 - Reinhart (34)
- 7 HB 1424 - Stefanick (93)
- 8 HB 773 - Icet (84)
- 9 HB 1302 - Lager (4)
- 10 HCS HB 1085 - Townley (112)
- 11 HCS HB 1195 - Behnen (2)

- 12 HB 1337 - Nieves (98)
- 13 HB 1109 - Crawford (117)
- 14 HB 1160 - Parker (12)
- 15 HCS HB 1243, 1094 & 931 - Mayer (159)
- 16 HB 1409 - Dempsey (18)
- 17 HB 844 - Mayer (159)
- 18 HCS HB 1477 & 1563 - Schaaf (28)
- 19 HCS HB 1403 - Moore (20)
- 20 HCS HB 1286 & 1175 - Guest (5)
- 21 HCS HB 1267 - Cooper (120)
- 22 HCS HB 1285 - Engler (106)
- 23 HCS HB 1433 - Wood (62)

HOUSE JOINT RESOLUTION FOR THIRD READING

HS HCS HJR 39, 38, 42 & 47 - Engler (106)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 774 - Sander (22)
- 2 HCS HB 1617 - Hanaway (87)
- 3 HB 1664 - Hanaway (87)
- 4 HB 1665 - Hanaway (87)

HOUSE BILL FOR THIRD READING - FEDERAL MANDATE

HCS HB 1118, (Budget 4-01-04) - Schlottach (111)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 1524 - Ransdall (148)
- 2 HCS HB 1069 - Bivins (97)

SENATE BILLS FOR THIRD READING

- 1 HCS SB 1080 - Wallace (143)
- 2 HCS SCS SB 754 - Luetkemeyer (115)
- 3 HCS SS SCS SB 1099, (Budget 4-13-04) - Dempsey (18)

HOUSE BILL WITH SENATE AMENDMENTS

SS#2 SS SCS HS HCS HB 1304, as amended - Byrd (94)

BILLS IN CONFERENCE

- 1 HS HCS SS SCS SB 730, as amended - Portwood (92)
- 2 CCR#2 HCS SB 739, as amended - Myers (160)

VETOED HOUSE BILL

HCR 5 - Byrd (94)