

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

FIFTY-SIXTH DAY, THURSDAY, APRIL 22, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

"The Lord is the earth and its fullness; the world and those who dwell in it." (*Psalm 24:1*)

Holy Lord, our God, on Earth Day we remember Your plan that we live in harmony with the earth, with nature and with all people as our neighbors.

We wish to show our respect for You, the Creator, by our care for creation. May Your Holy Spirit guide us in our personal lives and in our professional lives to do our part in the protection and the care of the earth.

O Lord, that seems easier than living in harmony with all other people on earth, making them our neighbors. May we never lose hope! Rather, by Your grace, may we and all other leaders make decisions that bring us closer and closer to living with all other people as neighbors.

We pray to You who are our God, forever 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: Bryan Page, Brittany Sanders, Eric Isringhaus, Elizabeth Dreyer, Daniel Pfeffer, Breana O'Brien, John Meyers, Nick Powell, Melissa Beutenmiller, Joseph Clark, Micah Marshall and Zane Coleman.

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

SPECIAL RECOGNITION

The 2004 State Champion Adair County RII High School Girls Basketball Tigers were introduced by Representative Behnen and recognized as Outstanding Missourians.

The Van-Far Indians Basketball Team was introduced by Representative Witte and recognized for attaining the 2004 State Championship.

Gale and Karen Culler were introduced by Representatives Smith (118) and Miller and recognized as Outstanding Missourians.

Nick Moore was introduced by Representative Harris (110) and recognized as an Outstanding Missouri Student.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 2031
and
House Resolution No. 2032 - Representative Wilson (119)
House Resolution No. 2033 - Representative St. Onge
House Resolution No. 2034
through
House Resolution No. 2036 - Representative Crowell
House Resolution No. 2037
and
House Resolution No. 2038 - Representative Lager
House Resolution No. 2039 - Representative Cooper (155)
House Resolution No. 2040 - Representative Cunningham (145)
House Resolution No. 2041 - Representative Whorton
House Resolution No. 2042 - Representatives Kuessner and Harris (110)
House Resolution No. 2043 - Representative Crowell
House Resolution No. 2044 - Representative Carnahan
House Resolution No. 2045 - Representatives Baker and Rector
House Resolution No. 2046
through
House Resolution No. 2048 - Representative Jetton
House Resolution No. 2049 - Representative Dethrow
House Resolution No. 2050
through
House Resolution No. 2052 - Representative Jetton
House Resolution No. 2053 - Representative Crowell
House Resolution No. 2054 - Representative Wasson
House Resolution No. 2055 - Representative Fares
House Resolution No. 2056 - Representative Donnelly
House Resolution No. 2057 - Representative Zweifel
House Resolution No. 2058 - Representative Bruns
House Resolution No. 2059 - Representative Lager
House Resolution No. 2060
through
House Resolution No. 2074 - Representative Jetton

INTRODUCTION OF HOUSE BILL

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

HB 1750, introduced by Representatives Yates, Hobbs, Brown, Threlkeld, Pratt and Dusenberg, relating to general assembly members salaries.

SECOND READING OF HOUSE BILL

HB 1749 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 1433** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Representative Stevenson assumed the Chair.

THIRD READING OF HOUSE JOINT RESOLUTION

HS HCS HJRs 39, 38, 42 & 47, relating to same-sex marriages, was taken up by Representative Engler.

On motion of Representative Engler, **HS HCS HJR**s 39, 38, 42 & 47 was read the third time and passed by the following vote:

AYES: 132

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bough	Bringer	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Darrough	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	El-Amin
Emery	Engler	Ervin	George	Goodman
Green	Guest	Hampton	Harris 110	Henke
Hobbs	Holand	Hunter	Icet	Jackson
Jetton	Johnson 47	Johnson 90	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	Richard
Roark	Ruestman	Rupp	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Swinger	Taylor	Thompson
Threlkeld	Townley	Viebrock	Wagner	Wallace
Walsh	Walton	Ward	Wasson	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Witte

Wood Zweifel	Wright Madam Speaker	Yaeger	Yates	Young
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NOES: 023

Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Daus	Donnelly	Dougherty	Fraser
Graham	Harris 23	Haywood	Hoskins	Hubbard
Jones	Lowe	Sager	Villa	Vogt
Walker	Wilson 25	Wilson 42		

PRESENT: 000

ABSENT WITH LEAVE: 008

Avery Johnson 61	Bland Jolly	Boykins Reinhart	Fares	Hilgemann
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Representative Stevenson declared the bill passed.

Speaker Hanaway resumed the Chair.

MESSAGE 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 the Conference Committee Report on **SS#2 SS SCS HS HCS HB 1304, as amended**, and has taken up and passed **CCS SS#2 SS SCS HS HCS HB 1304**.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **CCS SS#2 SS SCS HS HCS HB 1304** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS SS#2 SS SCS HS HCS HB 1304** was delivered to the Governor by the Chief Clerk of the House.

Representative Stevenson resumed the Chair.

THIRD READING OF HOUSE BILLS

HS HB 1409, relating to enterprise zones, was taken up by Representative Dempsey.

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	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
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	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	Hoskins	Hubbard	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	Wagner	Walker	Walsh	Walton
Ward	Whorton	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery	Bland	Hilgemann	Johnson 61	Reinhart
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On motion of Representative Dempsey, **HS HB 1409** was read the third time and passed by the following vote:

AYES: 098

Abel	Angst	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Darrough	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Harris 23	Hobbs	Hunter
Icet	Jackson	Jetton	Johnson 47	Kelly 144

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King	Kingery	Lager	Lembke	LeVota
Lipke	Luetkemeyer	May	Mayer	Miller
Moore	Morris	Munzlinger	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Skaggs	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Wasson	Whorton
Wilson 119	Wilson 130	Witte	Wood	Wright
Yates	Young	Madam Speaker		

NOES: 054

Barnitz	Bishop	Bringer	Brooks	Burnett
Campbell	Carnahan	Corcoran	Curls	Daus
Davis 122	Donnelly	El-Amin	Fraser	George
Graham	Green	Hampton	Harris 110	Haywood
Henke	Hoskins	Hubbard	Johnson 90	Jolly
Jones	Kelly 36	Kuessner	Lawson	Liese
Lowe	McKenna	Meadows	Meiners	Muckler
Schoemehl	Selby	Shoemyer	Spreng	Swinger
Thompson	Villa	Vogt	Wagner	Walker
Walsh	Walton	Ward	Wildberger	Willoughby
Wilson 25	Wilson 42	Yaeger	Zweifel	

PRESENT: 004

Boykins	Holand	Kratky	Seigfreid
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ABSENT WITH LEAVE: 007

Avery	Bland	Hilgemann	Johnson 61	Marsh
Myers	Reinhart			

Representative Stevenson declared the bill passed.

HS HCS HBs 1477 & 1563, relating to the Missouri Hospital Infection Control Act, was taken up by Representative Schaaf.

On motion of Representative Schaaf, **HS HCS HBs 1477 & 1563** was read the third time and passed by the following vote:

AYES: 155

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
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
Hobbs	Holand	Hoskins	Hunter	Ice
Jackson	Jetton	Johnson 47	Johnson 90	Jolly
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	Lowe	Luetkemeyer
Marsh	May	Mayer	McKenna	Meadows
Meiners	Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
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	Zweifel	Madam Speaker

NOES: 000

PRESENT: 001

Richard

ABSENT WITH LEAVE: 007

Avery	Bland	Hilgemann	Hubbard	Johnson 61
Reinhart	Young			

Representative Stevenson declared the bill passed.

Speaker Pro Tem Jetton assumed the Chair.

HB 844, relating to the Open Contracting Act, was taken up by Representative Mayer.

On motion of Representative Mayer, **HB 844** was read the third time and passed by the following vote:

AYES: 084

Angst	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	El-Amin	Emery	Engler
Ervin	Fares	Goodman	Guest	Hobbs
Holand	Hunter	Ice	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager
Lipke	Luetkemeyer	May	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Pearce	Phillips	Portwood	Pratt	Purgason

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

NOES: 069

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

PRESENT: 002

Brooks Taylor

ABSENT WITH LEAVE: 008

Avery	Bland	Boykins	Hilgemann	Johnson 61
Marsh	Reinhart	Young		

Speaker Pro Tem Jetton declared the bill passed.

Speaker Hanaway resumed the Chair.

Speaker Pro Tem Jetton resumed the Chair.

HS HCS HB 1433, relating to watershed improvement districts, was taken up by Representative Wood.

On motion of Representative Wood, **HS HCS HB 1433** was read the third time and passed by the following vote:

AYES: 153

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bough
Boykins	Bringer	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly

Dougherty	Dusenberg	El-Amin	Emery	Engler
Ervin	Fares	Fraser	George	Goodman
Graham	Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hobbs	Holand
Hoskins	Hubbard	Hunter	Ice	Jackson
Jetton	Johnson 47	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer	Marsh
May	Mayer	McKenna	Meadows	Meiners
Miller	Moore	Morris	Muckler	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Rector	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
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	Walker	Wallace
Walsh	Walton	Ward	Wasson	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright	Yaeger
Yates	Zweifel	Madam Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Abel	Avery	Bland	Brooks	Hilgemann
Johnson 61	Reinhart	Schlottach	Wagner	Young

Speaker Pro Tem Jetton declared the bill passed.

HCS HB 1093, relating to the rights of persons with service dogs, was taken up by Representative Deeken.

On motion of Representative Deeken, **HCS HB 1093** was read the third time and passed by the following vote:

AYES: 150

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bough
Boykins	Bringer	Brown	Bruns	Burnett
Byrd	Campbell	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19	Dempsey
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hunter	Ice
Jackson	Jetton	Johnson 47	Johnson 90	Jolly

Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	Lowe	Luetkemeyer
Marsh	May	Mayer	McKenna	Meadows
Meiners	Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Richard	Roark
Ruestman	Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Swinger	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Zweifel	Madam Speaker

NOES: 001

Emery

PRESENT: 000

ABSENT WITH LEAVE: 012

Abel	Avery	Bland	Brooks	Carnahan
Deeken	Hilgemann	Holand	Johnson 61	Reinhart
Wagner	Young			

Speaker Pro Tem Jetton declared the bill passed.

Speaker Hanaway resumed the Chair.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1089** - Health Care Policy
- HB 1721** - Judiciary
- HB 1730** - Budget
- HB 1731** - Judiciary
- HB 1732** - Education
- HB 1733** - Crime Prevention and Public Safety
- HB 1734** - Special Committee on General Laws
- HB 1735** - Senior Security
- HB 1736** - Crime Prevention and Public Safety
- HB 1737** - Education
- HB 1738** - Health Care Policy
- HB 1739** - Small Business
- HB 1740** - Professional Registration and Licensing

HB 1741 - Retirement
HB 1742 - Tourism and Cultural Affairs
HB 1743 - Judiciary
HB 1744 - Elections
HB 1745 - Elections
HB 1746 - Transportation and Motor Vehicles
HB 1747 - Tax Policy
HB 1748 - Children and Families
HB 1749 - Tax Policy

COMMITTEE REPORTS

Committee on Budget, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HB 1548**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Children and Families, Chairman Phillips reporting:

Madam Speaker: Your Committee on Children and Families, to which was referred **HB 1339**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Conservation and Natural Resources, Chairman Townley reporting:

Madam Speaker: Your Committee on Conservation and Natural Resources, to which was referred **SCS SB 901**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 901, Page 4, Section 260.370, Line 104, by inserting immediately after the words “**a conflict**” the following:

“**concerning authority for risk-based remediation rules**”; and

Further amend said page, Line 105 of said page, by inserting immediately after the figure “**644.026**” the following:

“(8)”; and

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

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

Madam Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SS SS SCS SB 715**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Education, Chairman Cunningham (86) reporting:

Madam Speaker: Your Committee on Education, to which was referred **SCS SB 945, SB 803** and **SB 1257**, 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 Education, to which was referred **SS SCS SB 968** and **SCS SB 969**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Elections, Chairman May reporting:

Madam Speaker: Your Committee on Elections, to which was referred **SCS SB 1091**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Committee on Financial Services, Chairman Luetkemeyer reporting:

Madam Speaker: Your Committee on Financial Services, to which was referred **SCS SB 1038**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Homeland Security and Veterans Affairs, Chairman Jackson reporting:

Madam Speaker: Your Committee on Homeland Security and Veterans Affairs, to which was referred **SCS SB 1365**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Judiciary, Chairman Byrd reporting:

Madam Speaker: Your Committee on Judiciary, to which was referred **SB 884**, 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 **SCS SB 921**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Judiciary, to which was referred **SB 1111**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Local Government, Chairman Johnson (47) reporting:

Madam Speaker: Your Committee on Local Government, to which was referred **SS SB 732**, 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 Local Government, to which was referred **SB 769**, 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 Local Government, to which was referred **SCS SB 782**, 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 Local Government, to which was referred **SCS SB 942, 850 & 841**, 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 Local Government, to which was referred **SB 951**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **SB 1055**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **SS SCS SB 1081**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Madam Speaker: Your Committee on Local Government, to which was referred **SCS SB 1093**, 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 Local Government, to which was referred **SCS SB 1106**, 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 Local Government, to which was referred **SB 1107**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Retirement, Chairman Smith (118) reporting:

Madam Speaker: Your Committee on Retirement, to which was referred **SB 1130**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Rules, Chairman Crowell reporting:

Madam Speaker: Your Committee on Rules, to which was referred **HR 6**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 6

WHEREAS, the Preamble to the Missouri Constitution states:

"We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this Constitution for the better government of the state."; and

WHEREAS, as a legislative body elected to serve the people of the State of Missouri, the display of the Preamble to the Missouri will provide a continuing and lasting reminder to our membership and all those who enter the House Chamber of the purpose for the establishment of the Missouri Constitution; and

WHEREAS, the House of Representatives should solicit design proposals and establish procedures for the selection of an appropriate design for the prominent display of the Preamble of the Missouri Constitution in the House Chamber:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, direct that the Preamble to the Missouri Constitution be prominently displayed in the House Chamber and the costs associated with the creation and installation be paid for by donations from members of the House of Representatives.

Special Committee on General Laws, Chairman Wright reporting:

Madam Speaker: Your Special Committee on General Laws, to which was referred **SCS SB 1172**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

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

Madam Speaker: Your Committee on Tax Policy, to which was referred **SB 1012**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Committee on Transportation and Motor Vehicles, Chairman Crawford reporting:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SCS SB 757**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 757, Page 10, Section 301.069, Line 12, by inserting after all of said line the following:

"302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- (1) Any person driving a farm vehicle as defined in section 302.700;
- (2) Any active duty military personnel, members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians, while driving military vehicles for military purposes;
- (3) Any person who drives emergency or fire equipment necessary to the preservation of life or property or the execution of emergency governmental functions under emergency conditions;
- (4) **Any person qualified to operate the equipment under subdivision (3) of this section when operating such equipment in other functions such as parades, special events, repair, service or other authorized movements;**

(5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010 and 700.010, RSMo, for personal use; and

[5)] (6) Any other class of persons exempted by rule or regulation of the director, which rule or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any amendments or regulations drafted to that act.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol or a state park ranger, those vehicles operated by enforcement personnel [by the division of motor carrier and railroad safety of the department of economic development] **of the state highways and transportation commission**, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44, RSMo;

(7) Any vehicle operated by an authorized employee of the department of corrections, who as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire;

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions;

(3) The exemptions [herein] granted to an emergency vehicle **pursuant to subdivision (2) of this subsection** shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class C misdemeanor.

307.175. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022, RSMo, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and [while] using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor."; and

Further amend said bill, Page 13, Section 390.020, Line 124, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to ensure the efficient operation of emergency vehicles, the repeal and reenactment of sections 302.775, 304.022, and 307.775 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 302.775, 304.022, and 307.775 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SCS SB 767**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SB 824**, 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 Transportation and Motor Vehicles, to which was referred **SB 899**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SCS SB 956**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SCS SB 992**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SCS SB 1006**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

- SS SS SCS SB 715** - Budget (Fiscal Note)
- SB 807** - Judiciary
- SB 1166** - Local Government
- SCS SB 1171** - Homeland Security and Veterans Affairs
- SS SCS SB 1183** - Local Government
- SCS SBs 1233, 840 & 1043** - Transportation and Motor Vehicles
- SB 1394** - Tax Policy

The following member's presence was noted: Hilgemann.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 4:00 p.m., Monday, April 26, 2004.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Tuesday, April 20, 2004, Page 1142, Line 31, by inserting immediately after said line the following:

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

- SS SCS SB 1279** - Health Care Policy

AFFIDAVITS

I, State Representative Tim Meadows, District 101, hereby state and affirm that my votes as recorded on Page 1168 of the House Journal for Wednesday, April 21, 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 aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 22nd day of April 2004.

/s/ Tim Meadows
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 22nd day of April in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Bryan Pratt, District 55, hereby state and affirm that my votes as recorded on Pages 1172 and 1173 of the House Journal for Wednesday, April 21, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 22nd day of April 2004.

/s/ Bryan Pratt
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 22nd day of April in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Ron Richard, District 129, hereby state and affirm that my votes as recorded on Pages 1170 and 1171 of the House Journal for Wednesday, April 21, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 22nd day of April 2004.

/s/ Ron Richard
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 22nd day of April in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Jay Wasson, District 141, hereby state and affirm that my vote as recorded on Page 1175 of the House Journal for Wednesday, April 21, 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 aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 22nd day of April 2004.

/s/ Jay Wasson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 22nd day of April in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

AGRICULTURE

Tuesday, April 27, 2004, 12:00 p.m. Hearing Room 1.
Presentations by Food and Agriculture Policy Research Institute - University of Missouri;
Farm Credit. Possible Executive session.

BUDGET

Tuesday, April 27, 2004, 8:00 a.m. Hearing Room 3.
Fiscal Review; Possible Executive session.
Hear other bills that may be assigned or referred to committee for fiscal review.

CHILDREN AND FAMILIES

Tuesday, April 27, 2004, Hearing Room 1 upon evening adjournment.
Public hearings to be held on: SCS#2 SB 762, SCR 24
Executive session may be held on: HB 799, HB 1551

CORRECTIONS AND STATE INSTITUTIONS

Tuesday, April 27, 2004, Hearing Room 4 upon evening adjournment.
Executive session.
Public hearings to be held on: SCS SB 1044, SB 1322

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 27, 2004, Hearing Room 3 upon afternoon adjournment.
Public hearings to be held on: HB 1643, HB 983, HB 1081
Executive session will be held on: SS SCS SCR 36, SCS SB 1265, SCS SB 1225, HB 1479, HB 918

ELECTIONS

Tuesday, April 27, 2004, Hearing Room 7 upon evening adjournment.
Executive session to precede the public hearing.
Public hearing to be held on: HB 1569

FINANCIAL SERVICES

Tuesday, April 27, 2004, 12:00 p.m. Hearing Room 6.
Executive session.

JOINT COMMITTEE ON CORRECTIONS

Monday, May 3, 2004, 12:00 p.m. Hearing Room 7.
Status of Chillicothe Correctional Center; Report from the Department of Corrections;
Report from Design & Construction on Jefferson City Correctional Center, Randy Allen;
Committee tour schedule.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 29, 2004, 8:00 a.m. Hearing Room 7.
2nd Quarter Meeting.

LOCAL GOVERNMENT

Monday, April 26, 2004, 3:00 p.m. Hearing Room 6.
Executive session will be held on: SB 1391, SB 1329, SCS SB 758, SCR 23, SB 1114

HOUSE CALENDAR

FIFTY-SEVENTH DAY, MONDAY, APRIL 26, 2004

HOUSE BILL FOR SECOND READING

HB 1750

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 HB 1424 - Stefanick (93)
- 7 HB 1302 - Lager (4)
- 8 HCS HB 1085, HA 6 and HS, as amended, pending - Townley (112)
- 9 HB 1337 - Nieves (98)
- 10 HB 1109 - Crawford (117)
- 11 HCS HB 1243, 1094 & 931 - Mayer (159)
- 12 HCS HB 1267 - Cooper (120)
- 13 HB 1408 - Mayer (159)

- 14 HCS HB 1671 - Hanaway (87)
- 15 HCS HB 1181 & 1719 - Selby (105)
- 16 HB 1339 - Cunningham (86)
- 17 HB 1548 - Crawford (117)

HOUSE BILL FOR PERFECTION - INFORMAL

HB 1599, HSA 1 for HA 1, HA 1 and HS, pending - Ervin (35)

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 21, (4-21-04, Pages 1178-1179) - Ruestman (131)

HOUSE BILL FOR THIRD READING

HCS HB 1099, (Budget 4-21-04) - Reinhart (34)

HOUSE BILLS FOR THIRD READING - CONSENT

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

SENATE BILLS FOR THIRD READING - CONSENT

SCS SB 878 - Rector (124)

(4/19/04)

SCS SB 1331 - Bivins (97)

(4/26/04)

- 1 HCS SS SB 732 - Johnson (47)
- 2 HCS SB 884 - Lager (4)
- 3 SCS SB 921, E.C. - Byrd (94)
- 4 SCS SB 1006 - Page (82)
- 5 SB 1111 - Lager (4)
- 6 SB 1107 - Schaaf (28)
- 7 HCS SCS SB 1106, E.C. - Schaaf (28)
- 8 HCS SCS SB 1093 - Hanaway (87)
- 9 SCS SB 1091 - Parker (12)
- 10 SB 1055 - Johnson (47)
- 11 HCS SB 1012, E.C. - Baker (123)
- 12 SCS SB 992 - Mayer (159)
- 13 SCS SB 956 - Wilson (119)

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- 14 SB 951 - Threlkeld (109)
- 15 HCS SCS SBs 942, 850 & 841, E.C. - Goodman (132)
- 16 HCS SCS SB 945 and SB 803 & SB 1257, E.C. - Moore (20)
- 17 SCS SB 901, HCA 1 - Townley (112)
- 18 SB 899 - Dusenberg (54)
- 19 HCS SB 824 - Schlottach (111)
- 20 SCS SB 782 - Johnson (47)
- 21 HCS SB 769, E.C. - Emery (126)
- 22 SCS SB 767 - Cunningham (145)
- 23 SCS SB 757, HCA 1 - Cooper (120)
- 24 SB 1130 - Deeken (114)
- 25 SCS SB 1172 - Fares (91)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 754 - Luetkemeyer (115)
- 2 HCS SS SCS SB 1099 - Dempsey (18)
- 3 SB 932 - Wilson (130)
- 4 HCS SCS SBs 1020, 889 & 869, (Budget 4-19-04) - Goodman (132)
- 5 SCS SB 1040, HCA 1, E.C. - Townley (112)
- 6 SCS SB 1100 - Hanaway (87)
- 7 HCS SCS SBs 1144, (Budget 4-22-04) - Johnson (47)
- 8 HCS SCS SB 1160 - Johnson (47)
- 9 SS SS SCS SB 715, (Budget 4-22-04) - Johnson (47)
- 10 HCS SS SCS SB 968 and SCS SB 969, E.C. - Baker (123)
- 11 HCS SCS SB 1038 - Luetkemeyer (115)
- 12 HCS SS SCS SB 1081 - Pratt (55)
- 13 HCS SCS SB 1365 - Jackson (89)

BILL IN CONFERENCE

CCR#2 HCS SB 739, as amended - Myers (160)

VETOED HOUSE BILL

HCR 5 - Byrd (94)

HOUSE RESOLUTION

HR 6, (4-22-04) - Schaaf (28)