

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

---

FIFTEENTH DAY, TUESDAY, FEBRUARY 1, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father David Buescher.

Heavenly Father, we begin this month asking You for grace and insight. We likewise ask a blessing on the little people of our state, the little people of our constituencies – children in schools, the sick in hospital or home, the aged and elderly, the homeless, single parents, anyone suffering discrimination of any kind, the hopelessly poor.

This grand Chamber is here for them as well as for the healthy and the fortunate. Let the work done here this day be motivated by care for the entirety of our state. We bring You this need and all our private needs in trust and faith, longing for true peace and justice. 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: Thomas William Smith III, Joshua Farrar, David Bickel, Jenah Bickel, Faith Bickel, Laney Rabun and Stevie Rabun.

The Journal of the fourteenth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

|                          |   |                               |
|--------------------------|---|-------------------------------|
| House Resolution No. 314 | - | Representative Liese, et al.  |
| House Resolution No. 315 | - | Representative Sanders Brooks |
| House Resolution No. 316 | - | Representative Aull           |
| House Resolution No. 317 |   |                               |
| through                  |   |                               |
| House Resolution No. 319 | - | Representative Schaaf         |
| House Resolution No. 320 | - | Representative Salva          |
| House Resolution No. 321 | - | Representative Dethrow        |
| House Resolution No. 322 |   |                               |
| and                      |   |                               |
| House Resolution No. 323 | - | Representative Denison        |
| House Resolution No. 324 | - | Representative Aull           |
| House Resolution No. 325 | - | Representative Robinson       |
| House Resolution No. 326 | - | Representative Swinger        |
| House Resolution No. 327 | - | Representative Lampe          |
| House Resolution No. 328 | - | Representative Aull           |

**SECOND READING OF HOUSE BILLS**

**HB 391** through **HB 403** were read the second time.

**THIRD READING OF SENATE BILL**

**SB 176**, relating to political subdivision elections, was taken up by Representative Deeken.

On motion of Representative Deeken, **SB 176** was truly agreed to and finally passed by the following vote:

AYES: 142

|            |            |                |               |              |
|------------|------------|----------------|---------------|--------------|
| Aull       | Baker 123  | Baker 25       | Bean          | Bearden      |
| Behnen     | Bivins     | Black          | Bland         | Boykins      |
| Bringer    | Brooks     | Brown 30       | Brown 50      | Bruns        |
| Byrd       | Casey      | Chinn          | Cooper 120    | Cooper 155   |
| Cooper 158 | Corcoran   | Cunningham 145 | Cunningham 86 | Curls        |
| Daus       | Davis      | Day            | Deeken        | Dempsey      |
| Denison    | Dethrow    | Dixon          | Dougherty     | Dusenberg    |
| Emery      | Ervin      | Faith          | Fares         | Fisher       |
| Flook      | Franz      | Fraser         | Goodman       | Guest        |
| Henke      | Hobbs      | Hoskins        | Hubbard       | Hunter       |
| Icet       | Jackson    | Johnson 47     | Johnson 61    | Jolly        |
| Jones      | Kelly      | Kingery        | Kratky        | Kraus        |
| Kuessner   | Lager      | Lampe          | Lembke        | Liese        |
| Lipke      | Loehner    | Low 39         | Marsh         | May          |
| McGhee     | Meadows    | Meiners        | Moore         | Munzlinger   |
| Muschany   | Myers      | Nance          | Nieves        | Nolte        |
| Oxford     | Parker     | Parson         | Pearce        | Phillips     |
| Pollock    | Portwood   | Pratt          | Quinn         | Rector       |
| Richard    | Roark      | Robb           | Robinson      | Roorda       |
| Rucker     | Ruestman   | Rupp           | Salva         | Sander       |
| Sater      | Schaaf     | Schad          | Schlottach    | Schneider    |
| Schoemehl  | Selby      | Self           | Shoemyer      | Skaggs       |
| Smith 118  | Smith 14   | Spreng         | Stefanick     | Stevenson    |
| St. Onge   | Storch     | Sutherland     | Swinger       | Threlkeld    |
| Tilley     | Viebrock   | Villa          | Wagner        | Wallace      |
| Wasson     | Wells      | Weter          | Whorton       | Wildberger   |
| Wilson 119 | Wilson 130 | Witte          | Wood          | Wright-Jones |
| Wright 137 | Wright 159 | Yaeger         | Yates         | Young        |
| Zweifel    | Mr Speaker |                |               |              |

NOES: 017

|          |            |            |                 |          |
|----------|------------|------------|-----------------|----------|
| Barnitz  | Bowman     | Burnett    | Chappelle-Nadal | Darrough |
| Donnelly | El-Amin    | Harris 110 | Harris 23       | Haywood  |
| Hughes   | Johnson 90 | LeVota     | Lowe 44         | Page     |
| Vogt     | Walsh      |            |                 |          |

PRESENT: 001

George

ABSENT WITH LEAVE: 002

Avery                      Walton

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 158

|              |                |               |            |                 |
|--------------|----------------|---------------|------------|-----------------|
| Aull         | Baker 123      | Baker 25      | Barnitz    | Bean            |
| Bearden      | Behnen         | Bivins        | Black      | Bland           |
| Bowman       | Boykins        | Bringer       | Brooks     | Brown 30        |
| Brown 50     | Bruns          | Burnett       | Byrd       | Chappelle-Nadal |
| Casey        | Chinn          | Cooper 120    | Cooper 155 | Cooper 158      |
| Corcoran     | Cunningham 145 | Cunningham 86 | Curls      | Darrough        |
| Daus         | Davis          | Day           | Deeken     | Dempsey         |
| Denison      | Dethrow        | Dixon         | Donnelly   | Dougherty       |
| Dusenberg    | Emery          | Ervin         | Faith      | Fares           |
| Fisher       | Flook          | Franz         | Fraser     | Goodman         |
| Guest        | Harris 110     | Harris 23     | Haywood    | Henke           |
| Hobbs        | Hoskins        | Hubbard       | Hughes     | Hunter          |
| Ice          | Jackson        | Johnson 47    | Johnson 61 | Johnson 70      |
| Jolly        | Jones          | Kelly         | Kingery    | Kratky          |
| Kraus        | Kuessner       | Lager         | Lampe      | Lembke          |
| LeVota       | Liese          | Lipke         | Loehner    | Low 39          |
| Lowe 44      | Marsh          | May           | McGhee     | Meadows         |
| Meiners      | Moore          | Munzlinger    | Muschany   | Myers           |
| Nance        | Nieves         | Nolte         | Oxford     | Page            |
| Parker       | Parson         | Pearce        | Phillips   | Pollock         |
| Portwood     | Pratt          | Quinn         | Rector     | Richard         |
| Roark        | Robb           | Robinson      | Roorda     | Rucker          |
| Ruestman     | Rupp           | Salva         | Sander     | Sater           |
| Schaaf       | Schad          | Schlottach    | Schneider  | Schoemehl       |
| Selby        | Self           | Shoemyer      | Skaggs     | Smith 118       |
| Smith 14     | Spreng         | Stefanick     | Stevenson  | St. Onge        |
| Storch       | Sutherland     | Swinger       | Threlkeld  | Tilley          |
| Viebrock     | Villa          | Vogt          | Wagner     | Wallace         |
| Walsh        | Wasson         | Wells         | Weter      | Whorton         |
| Wildberger   | Wilson 119     | Wilson 130    | Witte      | Wood            |
| Wright-Jones | Wright 137     | Wright 159    | Yaeger     | Yates           |
| Young        | Zweifel        | Mr Speaker    |            |                 |

NOES: 001

El-Amin

PRESENT: 001

George

ABSENT WITH LEAVE: 002

Avery                      Walton

VACANCIES: 001

## **RECESS**

Representative Dempsey moved that the House stand in recess until 12:15 p.m. in order for the Speaker to sign **SB 176**.

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

## **SIGNING OF SENATE BILL**

All other business of the House was suspended while **SB 176** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

## **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 282** - Rules

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 393** - Judiciary

**HB 394** - Insurance Policy

## **INTRODUCTION OF HOUSE BILLS**

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

**HB 404**, introduced by Representatives Goodman, Ruestman, Pearce, Bivins, Munzlinger, Wood, Daus, Sater, Johnson (47), Kratky and Wasson, relating to sewerage systems.

**HB 405**, introduced by Representatives Johnson (47) and Villa, relating to the sale of liquor.

**HB 406**, introduced by Representatives Roorda, Casey, Darrough, Meadows, Johnson (90), Wagner and Harris (110), relating to motorized bicycles.

**HB 407**, introduced by Representatives Roorda, Meadows, Casey, Darrough, Brown (50), Johnson (90), Wagner, Harris (110) and Selby, relating to schedule II controlled substances.

**HB 408**, introduced by Representatives Parker, Deeken, Sander, Schaaf, Hoskins, Hubbard, Bland, El-Amin, Bruns, Quinn, Kingery, Villa, Boykins, Lowe (44), Harris (110) and Schneider, relating to the creation of a death penalty commission.

**HB 409**, introduced by Representative Vogt, relating to the St. Louis students' bill of rights.

**HB 410**, introduced by Representatives Flook, Nance, Ervin, Nolte, Walton, Cooper (155), Moore, Denison and Skaggs, relating to the designation of a highway.

**HB 411**, introduced by Representatives Denison, Wilson (119), Myers, Lampe, Dougherty, Brown (50), Sater, Behnen, Whorton, Meiners, Sander, Weter and Moore, relating to employment of retirees of the public school retirement system.

**HB 412**, introduced by Representatives Wasson, Smith (14), Wilson (119), Wood, Viebrock, Roark, Byrd, Ervin, Jackson, Day, Wallace, Cunningham (145), Jetton, Denison, Richard, Parson, Schad, Kuessner, Kratky, Dougherty, May, Cooper (158), Wilson (130) and Dethrow, relating to income taxation.

**HB 413**, introduced by Representatives Hubbard, Jetton, Parker, Chappelle-Nadal, Bland, Bowman, Page, Rucker, Hoskins, Hughes, Low (39), Bearden, Schaaf, Oxford, Lampe, Baker (25), Selby, Skaggs, Zweifel, Darrough, Wildberger, Whorton, Cooper (155), Meadows, Harris (110) and Sanders Brooks, relating to a bioterrorism vaccination program for first responders deployed to disaster locations.

**HB 414**, introduced by Representatives Bruns and Rupp, relating to an income tax exemption for military service personnel.

**HB 415**, introduced by Representatives Sutherland, Smith (118) and Lipke, relating to county recorders.

**HB 416**, introduced by Representatives Smith (14), Sutherland, Smith (118), Dougherty, Bearden, Hoskins, Hubbard, Jolly, Brown (30), Munzlinger, Cooper (120), Faith, Behnen, Dixon, Ervin, Baker (123), Robinson, Walton, Page, Day, Bivins, Whorton, Dusenberg, Kelly, Parker, Shoemyer, St. Onge, Kingery, Lampe, Pratt, Chinn, Ruestman, Self, Davis, Viebrock, Moore and Wasson, relating to tax relief for veterans.

## **COMMITTEE ASSIGNMENTS**

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

#### **Byrd, Richard - Chair**

Goodman, Jack

Page, Sam

Stevenson, Bryan

Vogt, Michael

**JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASES OVERSIGHT**

Boykins, Amber  
Icet, Allen  
Lager, Brad  
Lembke, Jim  
Meadows, Tim

**JOINT COMMITTEE ON CORRECTIONS**

**Moore, Danie - Vice-Chair**

Bruns, Mark  
Harris, Belinda  
Hubbard, Rodney  
Kelly, Van  
Robinson, Brad

**JOINT COMMITTEE ON COURT AUTOMATION**

Bringer, Rachel  
Byrd, Richard  
Lager, Brad

**JOINT COMMITTEE ON ECONOMIC DEVELOPMENT POLICY AND PLANNING**

**Richard, Ron - Chair**

Bowman, John  
Dempsey, Tom  
Swinger, Terry  
Wilson, Kevin

**JOINT COMMITTEE ON EDUCATION**

Baker, Brian  
Bringer, Rachel  
Brooks, Sharon Sanders  
Corcoran, Michael  
Johnson, Bob  
Robb, Ed  
Wallace, Maynard

**JOINT COMMITTEE ON GAMING AND WAGERING**

**Johnson, Bob - Vice Chair**

Bean, Otto  
Dusenberg, Gary  
Meiners, Kate  
Wagner, Wes

**JOINT COMMITTEE ON GOVERNMENT ACCOUNTABILITY**

Cooper, Nathan  
Donnelly, Margaret  
Ervin, Doug  
Faith, Sally  
Icet, Allen  
Meadows, Tim  
Zweifel, Clint

**JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

**Bearden, Carl - Vice Chair**

Barnitz, Frank  
Bringer, Rachel  
Cooper, Shannon  
Dempsey, Tom  
Icet, Allen  
Lager, Brad  
Salva, Ray  
Walton, Juanita  
Yates, Brian

**JOINT COMMITTEE ON PUBLIC EMPLOYMENT RETIREMENT**

**Smith, Todd - Chair**

Daus, Mike  
Franz, Ward  
Haywood, Esther  
Rupp, Scott  
Yaeger, Patricia

**JOINT COMMITTEE ON TAX POLICY**

**Sutherland, Mike - Chair**

Bland, Craig  
Cooper, Shannon  
Stevenson, Bryan  
Zweifel, Clint

**JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY**

**Jackson, Jack - Chair**

Bruns, Mark  
Cooper, Wayne  
Dusenberg, Gary  
Roorda, Jeff  
Walsh, Gina  
Wildberger, Ed

**JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT**

**St. Onge, Neal - Chair**

Black, Lanie  
Daus, Mike  
Denison, Charlie  
Henke, Wayne  
Schlottach, Charlie  
Young, Terry

**JOINT COMMITTEE ON WETLANDS**

**Munzlinger, Brian - Chair**

Barnitz, Frank  
Henke, Wayne  
Wood, Dennis  
Wright, Billy Pat

**COMMITTEE CHANGES**

The Speaker submitted the following Committee changes:

Representative Bowman has been appointed a member of the Transportation Committee.

Representative Boykins has been appointed a member of the Financial Institutions Committee.

Representative Cooper (158) has been appointed a member of the Financial Institutions Committee and the Fiscal Review Committee.

Representative Darrough is no longer a member of the Ways and Means Committee and has been appointed a member of the Crime Prevention and Public Safety Committee.

Representative Deeken has been appointed a member of the Small Business Committee.

Representative Goodman has been appointed a member of the Fiscal Review Committee.



Representative Kelly has been appointed a member of the Workforce Development and Workplace Safety Committee.

Representative Kratky has been appointed a member of the Insurance Policy Committee.

Representative Parson has been appointed a member of the Crime Prevention and Public Safety Committee.

Representative Wallace has been appointed a member of the Local Government Committee.

Representative Wright-Jones is no longer a member of the Insurance Policy Committee and the Transportation Committee and has been appointed a member of the Small Business Committee and the Ways and Means Committee.

### **MESSAGE FROM THE GOVERNOR**

Office of the Governor  
State of Missouri

January 31, 2005

#### **REORGANIZATION PLAN NO. 1 2005**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2005, by Executive Order 05-07, providing for the consolidation of the Office of Information Technology and the division of Information Services within the Office of Administration.

Respectfully submitted,

/s/ Matt Blunt

EXECUTIVE ORDER  
05-07

WHEREAS, the State of Missouri recognizes the critical importance of technology to its government, industry, and economy; and

WHEREAS, the Office of Information Technology was established by Executive Order 03-26 develop strategies and policies to improve existing information technology investments and create a plan to establish an infrastructure which supports innovative government management solutions; and

WHEREAS, Executive Order 03-26 provided that for administrative purposes, the Office of Information Technology shall be located within the Office of Administration; and

WHEREAS, the Office of Administration's Division of Information Services was created pursuant to Chapter 37, RSMo, and is the central point for coordinating the data processing policies of the executive branch, promoting economy and efficiency in the use of data processing and telecommunications for the transaction of State business; and

WHEREAS, it appears to be in the best interest of the State of Missouri to consolidate the Office of Information Technology and the Division of Information Services to avoid duplication of activities and administrative costs, thereby achieving economy and efficiency across State government; and

WHEREAS, it is appropriate for this consolidated office to be assigned to the Office of Administration.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby assign the Office of Information Technology to the Office of Administration's Division of Information Services in its entirety with all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Office of Information Technology. Further, the head of the consolidated office shall have the title of Chief Information Officer and Director of the Division of Information Services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26<sup>th</sup> day of January, 2005.

### **WITHDRAWAL OF HOUSE BILL**

February 1, 2005

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

Dear Steve:

I had previously filed **House Bill No. 384** relating to anhydrous ammonia, but respectfully request that this bill be withdrawn.

Thank you for your assistance in this matter.

Sincerely,

/s/ Wes Shoemyer

### **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, February 2, 2005.

### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Fourteenth Day, Monday, January 31, 2005, Page 185, Line 8, by deleting the name "Bearden" and inserting in lieu thereof the name "Cooper (120)".

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 2, 2005, 2:45 p.m. Hearing Room 7.

Budgets to be reviewed. Office of Secretary of State, State Treasurer, Attorney General and State Auditor.

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

Monday, February 7, 2005, 10:00 a.m. Hearing Room 3.

Public testimony and discuss organizational issues.

### **CONSERVATION AND NATURAL RESOURCES**

Wednesday, February 2, 2005, 6:00 p.m. Hearing Room 1.

Public testimony on the Department of Conservation.

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 172, HB 276, HB 297

### **ETHICS**

Thursday, February 3, 2005, 8:00 a.m. Hearing Room 4.

Approval of caucuses. Executive session to follow.

### **FINANCIAL INSTITUTIONS**

Tuesday, February 8, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 248

### **FISCAL REVIEW**

Wednesday, February 2, 2005, 3:00 p.m. Hearing Room 6.

Organizational meeting.

### **HEALTH CARE POLICY**

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 6.

Organizational meeting.

### **JOB CREATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 2, 2005, 12:00 p.m. Hearing Room 6.

Organizational meeting. Executive session may follow.

### **LOCAL GOVERNMENT**

Thursday, February 3, 2005, 8:00 a.m. Hearing Room 6.

Public hearings to be held on: HB 127, HB 46, HB 215, HB 58, HB 284

Executive session may be held on: HB 40

**PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, February 2, 2005, 12:00 p.m. Hearing Room 1.  
Organizational meeting. Executive board directors from the  
Division of Professional Registration will be in attendance.

**RULES**

Wednesday, February 2, 2005, 3:30 p.m. Hearing Room 5.  
Executive session may be held.  
Public hearings to be held on: HR 309, HR 282

**SENIOR CITIZEN ADVOCACY**

Thursday, February 3, 2005, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 229

**SMALL BUSINESS**

Wednesday, February 2, 2005, 12:00 p.m. Hearing Room 3.  
Executive session may follow. AMENDED  
Public hearing to be held on: HB 190

**TRANSPORTATION**

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 1. AMENDED  
Public hearings to be held on: HB 43, HB 62, HB 154, HB 155, HB 210, HB 243

**UTILITIES**

Wednesday, February 2, 2005, 12:00 p.m. Hearing Room 5.  
Committee will begin at noon or after morning session, whichever is later.  
Executive session may follow. AMENDED  
Public hearing to be held on: HB 292

**VETERANS**

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearings to be held on: HB 94, HB 119, HB 162, HB 163, HB 213, HB 216

**WAYS AND MEANS**

Wednesday, February 2, 2005, 6:00 p.m. Hearing Room 7.  
Organizational issues will be discussed.  
Public hearings to be held on: HB 65, HB 221, HB 48

**HOUSE CALENDAR**

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 2, 2005

**HOUSE BILLS FOR SECOND READING**

HB 404 through HB 416