

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

FORTY-SIXTH DAY, FRIDAY, APRIL 1, 2005

The House met pursuant to adjournment.

Representative Deeken in the Chair.

Prayer by Chris Dunn, Legislator Assistant to Representative Marilyn Ruestman.

Father in Heaven,

In the Psalms, it is written:

Praise the Lord, all you nations;
extol Him, all you peoples.
For great is His love toward us,
and the faithfulness of the LORD endures forever.
Praise the Lord. (Psalm 117)

Today we praise You for ruling the nations and showing us each day the great love You have for us and the faithfulness You provide that sustains us.

We thank You as well for the privilege to serve here in this building and ask You to give us wisdom in the decisions we make and help us to protect the rights and freedoms we hold dear.

In Your name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

HOUSE CONCURRENT RESOLUTION

Representative Aull offered House Concurrent Resolution No. 32.

Representative Jetton, et al., offered House Concurrent Resolution No. 33.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1707

through

House Resolution No. 1710 - Representative Witte

House Resolution No. 1711

and

House Resolution No. 1712 - Representative Brown (50)

House Resolution No. 1713
through
House Resolution No. 1726 - Representative Smith (118)
House Resolution No. 1727
through
House Resolution No. 1730 - Representative Lager
House Resolution No. 1731 - Representative Harris (110)
House Resolution No. 1732 - Representative Cooper (120)
House Resolution No. 1733 - Representatives Cooper (120) and Pearce
House Resolution No. 1734 - Representative Nolte

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 27 was read the second time.

SECOND READING OF HOUSE BILLS

HB 887 through **HB 951** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 84, SCS SB 170, SB 347, SB 358, SCS SB 374, SB 394, SB 401, SCS SB 450, SB 479, SB 480, SB 490, SCS SB 496, SCS SB 502, SB 507, SB 516, SB 518 and **SB 526** were read the second time.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 925 - Insurance Policy

COMMITTEE REPORT

Committee on Elementary and Secondary Education, Chairman Cunningham (86) reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 679**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

ADVANCEMENT OF CONSENT BILLS

Pursuant to Rule 44(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 450, HB 685, HB 707 and HB 743.**

INTRODUCTION OF HOUSE BILLS

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

HB 952, introduced by Representative Icet, relating to alternative funding sources for certain personal care services.

HB 953, introduced by Representative Witte, relating to school district annexation.

HB 954, introduced by Representative Witte, relating to transportation sales tax.

HB 955, introduced by Representatives Wilson (130), Dethrow, Smith (118) and Ruestman, relating to establishment of the open contracting act.

HB 956, introduced by Representative Wright-Jones, relating to public utilities.

HB 957, introduced by Representatives Goodman, Lipke, Quinn, Ruestman, Wood, Flook, Day, Lembke, Richard, Weter, Roark, Dixon, Wilson (119), Emery, Wells, Myers, Denison and Moore, relating to unlawful use of weapons.

HB 958, introduced by Representative Lager, relating to lost and unclaimed property.

HB 959, introduced by Representative Baker (25), relating to insurance coverage for certain public assistance recipients.

HB 960, introduced by Representative Stefanick, relating to the tax deduction for long-term care insurance.

HB 961, introduced by Representative Icet, relating to a federal reimbursement allowance for certain health benefit plans.

HB 962, introduced by Representative Darrough, relating to courts.

HB 963, introduced by Representatives Harris (110), Swinger, Yaeger and Roorda, relating to alternatives to abortion services.

HB 964, introduced by Representative Harris (110), relating to livestock.

HB 965, introduced by Representative Pearce, relating to financial institutions doing business in northern Ireland.

HB 966, introduced by Representatives Portwood and Lembke, relating to property tax relief.

HB 967, introduced by Representative Storch, relating to nonresident income tax.

HB 968, introduced by Representatives Yates and Ervin, relating to the small business health fairness act of 2005.

HB 969, introduced by Representative Yates, relating to general assembly members salaries.

HB 970, introduced by Representative Yates, relating to adoption subsidies.

HB 971, introduced by Representative Dempsey, relating to taxes on the sale of cigarettes and tobacco products.

HB 972, introduced by Representatives Jetton, Wood, Emery, McGhee, Wilson (119), Page, Parson, Wilson (130), Kraus, Behnen, Day, Selby, Franz, Schad, Brown (30), Wildberger, Phillips, Jones, Pearce, Bivins, Richard, Wasson, Cunningham (145), Nance, Wright-Jones, Yaeger, Dusenber, Nolte, Ruestman, Cunningham (86) and Jolly, relating to intoxication-related traffic offenses.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 14**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, with Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Chuck Gross
/s/ Gary Nodler
/s/ Norma Champion
/s/ Pat Dougherty
/s/ Joan Bray

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Mike Sutherland
/s/ Wes Shoemyer
/s/ Paul LeVota

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 68**, entitled:

An act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from state and local sales and use tax

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 216**, entitled:

An act to amend chapter 492, RSMo, by adding thereto one new section relating to depositions of state crime laboratory employees.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 310**, entitled:

An act to repeal section 143.265, RSMo, and to enact in lieu thereof one new section relating to withholding of retirement income.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 318**, entitled:

An act to repeal sections 36.031, 361.170, and 370.107, RSMo, and to enact in lieu thereof three new sections relating to compensation for financial institution regulators.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 320**, entitled:

An act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 323**, entitled:

An act to amend chapter 196, RSMo, by adding thereto one new section relating to umbilical cord blood banks.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 354**, entitled:

An act to amend chapter 226, RSMo, by adding thereto one new section relating to state enforcement of certain federal orders prohibiting the operation of commercial motor vehicles.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 355**, entitled:

An act to repeal section 311.554, RSMo, and to enact in lieu thereof fifteen new sections relating to the Missouri wine and grape board.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 357**, entitled:

An act to repeal sections 86.370, 86.373, 86.374, 86.377, 86.380, 86.383, 86.387, 86.390, 86.393, 86.394, 86.397, 86.398, 86.400, 86.403, 86.407, 86.410, 86.413, 86.417, 86.420, 86.423, 86.427, 86.430, 86.433, 86.434, 86.437, 86.440, 86.441, 86.442, 86.443, 86.445, 86.447, 86.450, 86.453, 86.457, 86.460, 86.463, 86.467, 86.470, 86.473, 86.477, 86.480, 86.483, 86.487, 86.490, 86.493, 86.497, 86.600, 86.610, 86.611, 86.620, 86.630, 86.640, 86.650, 86.660, 86.665, 86.670, 86.671, 86.672, 86.675, 86.676, 86.680, 86.690, 86.700, 86.710, 86.720, 86.730, 86.740, 86.745, 86.750, 86.760, 86.770, 86.780, and 86.790, RSMo, and to enact in lieu thereof seventy-three new sections relating to Kansas City police retirement.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 361**, entitled:

An act to repeal section 94.070, RSMo, and to enact in lieu thereof one new section relating to maximum levies for special purposes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 372**, entitled:

An act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 378**, entitled:

An act to repeal section 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 380**, entitled:

An act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to qualifications of the chief executive officer of the urban public library district.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 390**, entitled:

An act to repeal section 301.567, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 392**, entitled:

An act to authorize the sale of certain state property, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 396**, entitled:

An act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to aviation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 404**, entitled:

An act to repeal sections 488.031, 488.445, and 488.607, RSMo, and to enact in lieu thereof four new sections relating to court costs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 405**, entitled:

An act to repeal sections 494.430 and 494.432, RSMo, and to enact in lieu thereof two new sections relating to jury service.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 407**, entitled:

An act to repeal section 461.005, RSMo, and to enact in lieu thereof one new section relating to beneficiary deeds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 418**, entitled:

An act to repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to crime victims' compensation fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 420 & 344**, entitled:

An act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to service of summons in unlawful detainer actions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 431**, entitled:

An act to repeal section 144.518, RSMo, and to enact in lieu thereof two new sections relating to local sales taxes for museum and tourism-related activities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 453**, entitled:

An act to repeal section 82.291, RSMo, and to enact in lieu thereof one new section relating to removal of nuisances, with an expiration date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 464**, entitled:

An act to repeal section 217.905, RSMo, and to enact in lieu thereof one new section relating to the Missouri state penitentiary redevelopment commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 488**, entitled:

An act to repeal sections 301.020 and 301.190, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle registration, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 521**, entitled:

An act to repeal section 26.607, RSMo, and to enact in lieu thereof one new section relating to the powers and duties of the lieutenant governor.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 534**, entitled:

An act to repeal section 479.230, RSMo, and to enact in lieu thereof one new section relating to absent municipal judges.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Harris (23) and Moore.

ADJOURNMENT

On motion of Representative Deeken, the House adjourned until 4:00 p.m., Monday, April 4, 2005.

COMMITTEE MEETINGS

BUDGET

Monday, April 4, 2005, 12:00 p.m. Hearing Room 3.

Markup.

Public hearings to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

BUDGET

Monday, April 4, 2005, 8:00 p.m. Hearing Room 3.

Markup. Executive session may follow.

Public hearings to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

BUDGET

Tuesday, April 5, 2005, 8:00 a.m. Hearing Room 3.

Markup. Executive session may follow.

Public hearings to be held on: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

BUDGET

Tuesday, April 5, 2005, 12:00 p.m. Hearing Room 3.
Markup. House Bills 1 through 13.
Executive session may follow.
Committee will adjourn at 2:00 p.m.

BUDGET

Tuesday, April 5, 2005, 6:00 p.m. Hearing Room 3.
Markup. House Bills 1 through 13.
Executive session may follow.
Committee will adjourn at 10:00 p.m.

BUDGET

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 3.
Markup. House Bills 1 through 13.
Executive session may follow.
Committee will adjourn at 2:00 p.m.

BUDGET

Wednesday, April 6, 2005, 6:00 p.m. Hearing Room 3.
Markup. House Bills 1 through 13.
Executive session may follow.
Committee will adjourn at 10:00 p.m.

BUDGET

Thursday, April 7, 2005, 2:00 p.m. Hearing Room 3.
Markup. House Bills 1 through 13.
Executive session may follow.

CHILDREN AND FAMILIES

Monday, April 4, 2005, House Chamber side gallery upon afternoon adjournment.
Executive session will be held on: HCS HB 568

CHILDREN AND FAMILIES

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 7.
Executive session may follow.
Public hearings to be held on: HB 452, HB 536

CORRECTIONS AND PUBLIC INSTITUTIONS

Monday, April 4, 2005, House Chamber side gallery upon evening adjournment.
Executive session will be held on: SCS SB 69

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 5, 2005, 6:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 793, HB 97, SCS SB 10 & 27

FISCAL REVIEW

Tuesday, April 5, 2005, 9:00 a.m. Hearing Room 5.

Executive session will be held on: HCS HB 394

HEALTH CARE POLICY

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

Executive session may follow.

Public hearing to be held on: HB 636

HIGHER EDUCATION

Tuesday, April 5, 2005, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 753, HB 742

INSURANCE POLICY

Tuesday, April 5, 2005, Hearing Room 7 upon evening adjournment.

Executive session may follow

Public hearings to be held on: HB 866, HB 846,
HB 202, SB 131, SCS SB 133, SB 261

JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Thursday, April 7, 2005, 8:30 a.m. House Lounge.

Vote to approve the 12-7-04 report of the Joint Committee on
Terrorism, Bioterrorism and Homeland Security.

JUDICIARY

Tuesday, April 5, 2005, Hearing Room 7 upon morning recess.

Executive session may follow

Public hearings to be held on: HB 794, HB 826, SB 86

RULES

Monday, April 4, 2005, 2:00 p.m. Hearing Room 4.

Executive session may follow

Public hearings to be held on: HB 417, HCS HB 400, HCS HB 440,
HCS HCR 24, HB 320, HCS HB 276, HCS HB 461, HCS HB 649, SS SB 539

SPECIAL COMMITTEE ON EDUCATION FUNDING

Tuesday, April 5, 2005, 6:00 p.m. Hearing Room 6.

Hearing will begin at 6:00 p.m. or adjournment which ever is later.

It is imperative that every member attend this meeting.

Public hearing to be held on: HB 771

TRANSPORTATION

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 612, HB 777, HB 760, HB 632

HOUSE CALENDAR

FORTY-SEVENTH DAY, MONDAY, APRIL 4, 2005

HOUSE BILLS FOR SECOND READING

HB 952 through HB 972

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 16

HOUSE BILLS FOR PERFECTION

- 1 HB 344 - Baker (123)
- 2 HB 376 - Guest
- 3 HCS HB 388 - Yates
- 4 HCS HB 576 - Flook
- 5 HCS HB 64 - Sutherland
- 6 HCS HB 286 - Bland
- 7 HCS HB 519 - Roark (3 hours debate on Perfection)
- 8 HB 539 - Icet
- 9 HCS HB 474 - Yates
- 10 HCS HB 628 - Byrd
- 11 HCS HB 639 - Cunningham (86)
- 12 HB 700 - Moore
- 13 HB 375 - Nance
- 14 HB 410 - Flook
- 15 HCS HB 532 - Spreng
- 16 HCS HB 255 - Cunningham (86)
- 17 HCS HB 387 - Byrd
- 18 HCS HB 518, 288, 418 & 635 - St. Onge
- 19 HCS HB 525 - May
- 20 HB 530 - Moore

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- 21 HCS HB 353 - Lipke (2 hours debate on Perfection)
22 HB 205 - Salva
23 HCS HB 49 & 50 - Jolly
24 HCS HB 209 - Cooper (120)

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HB 738 - Behnen

HOUSE BILL FOR THIRD READING

HCS HB 394, (Fiscal Review 3-31-05) - Byrd

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 508, E.C. - Pratt
2 HCS#2 HB 232 - Portwood
3 HB 600 - Cooper (155)
4 HB 450 - Meiners
5 HB 685, E.C. - Franz
6 HB 707 - Cunningham (145)
7 HB 743 - Kingery

SENATE BILLS FOR SECOND READING

- 1 SCS SB 68
2 SB 216
3 SCS SB 310
4 SB 318
5 SB 320
6 SB 323
7 SCS SB 354
8 SCS SB 355
9 SB 357
10 SB 361
11 SCS SB 372
12 SB 378
13 SB 380
14 SCS SB 390
15 SCS SB 392
16 SB 396
17 SB 404
18 SB 405
19 SCS SB 407
20 SB 418

- 21 SCS SBs 420 & 344
- 22 SB 431
- 23 SB 453
- 24 SB 464
- 25 SB 488
- 26 SB 521
- 27 SB 534

SENATE BILL FOR THIRD READING

HCS SCS SBs 202, 33, 45, 183 & 217, E.C. - Smith (118)

BILL IN CONFERENCE

CCR SCS HCS HB 14, as amended - Lager

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11, (2-17-05, Pages 351-352) - Sander
- 2 HCR 4, (3-02-05, Pages 467-468) - Burnett
- 3 HCR 9, (2-17-05, Page 351) - Bivins
- 4 HCR 15, (3-03-05, Pages 487-488) - Baker (123)
- 5 HCR 20, (3-09-05, Page 553) - Rupp