

# JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

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FOURTH DAY, TUESDAY, JANUARY 10, 2006

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father Donald W. Lammers.

Let us pray.

“Praise the name of the Lord,  
praise him, servants of the Lord,  
who stand in the house of the Lord  
in the courts of the house of our God”  
(Psalm 135:1-2)

We thank You, Lord, for bringing us into the second week of the 2006 Session of the Missouri House of Representatives.

We give thanks for the people of our districts who have sent us to represent them here. We thank You for the great trust they have placed in us. Give us the grace and courage never to betray that trust.

In our own lives and about life in our State, give us the wisdom of discernment between needs and wants, between the issues that merit top priority or lesser attention.

In our work today, help us to be at our best in clarity of thought, in communication, and in working with all others in this body and with those who assist us.

We give You praise and we pray to You at this hour, because You are our God, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the third day was approved as corrected by the following vote:

AYES: 149

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bland
Bogetto	Bowman	Boykins	Bringer	Brown 30
Brown 50	Bruns	Burnett	Casey	Chinn
Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Fraser	George	Guest

Harris 23	Harris 110	Haywood	Henke	Hobbs
Hoskins	Hubbard	Hughes	Hunter	Ice
Jackson	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly	Kingery	Kraus	Kuessner
Lager	Lampe	Lembke	LeVota	Lipke
Loehner	Low 39	Lowe 44	Marsh	May
McGhee	Meiners	Muschany	Nance	Nieves
Nolte	Oxford	Page	Parker	Parson
Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Robinson	Roorda	Rucker	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150	Spreng
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wallace	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Brooks	Daus	Kratky	Liese	Meadows
Moore	Munzlinger	Myers	Salva	Wagner
Wright 137				

VACANCIES: 003

## HOUSE RESOLUTION

Representative George, et al., offered House Resolution No. 72.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 69

through

House Resolution No. 71 - Representative Viebrock  
House Resolution No. 73 - Representative Smith (14)

House Resolution No. 74

through

House Resolution No. 76 - Representative Wilson (130)

House Resolution No. 77

through

House Resolution No. 79 - Representative Robinson

House Resolution No. 80

and

House Resolution No. 81 - Representative Wilson (119)

House Resolution No. 82 - Representative Witte

House Resolution No. 83 - Representative LeVota  
House Resolution No. 84  
through  
House Resolution No. 87 - Representative Whorton

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Burnett, et al., offered House Concurrent Resolution No. 6.  
Representative Walton, et al., offered House Concurrent Resolution No. 7.  
Representative Shoemyer, et al., offered House Concurrent Resolution No. 8.  
Representative Ruestman, et al., offered House Concurrent Resolution No. 9.

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 41** was read the second time.

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

**HB 1260** through **HB 1277** were read the second time.

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 68** - Administration and Accounts

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1015**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

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

**HJR 42**, introduced by Representatives Johnson (47) and Deeken, relating to special charter counties.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 1278**, introduced by Representatives May, Wildberger, Fisher, Wright (159), Wilson (119), Weter, Baker (25), Portwood, Sater and Schaaf, relating to the registered surgical assistant and registered surgical technologist title protection act.

**HB 1279**, introduced by Representatives Kraus and Phillips, relating to juvenile court jurisdiction.

**HB 1280**, introduced by Representatives Johnson (47) and Zweifel, relating to property insurance.

**HB 1281**, introduced by Representatives Robb, Nieves and Johnson (47), relating to school bond registration fees.

**HB 1282**, introduced by Representatives Burnett, Johnson (90), LeVota, Wagner, Young, Lowe (44), Skaggs, Page, Harris (23), Schoemehl, Walsh, Zweifel, Corcoran, Casey, Oxford, Roorda, Meadows, Walton, Harris (110), Bogetto, Robinson, Storch, Baker (25), Fraser, Villa, Donnelly, Aull, Johnson (61), Hughes, Meiners, Low (39), Kuessner, Witte, Vogt, Yaeger and Henke, relating to the public counsel of the public service commission.

**HB 1283**, introduced by Representatives Smith (118), Portwood, Sater and Stevenson, relating to unemployment insurance.

**HB 1284**, introduced by Representatives Smith (118), Portwood, Sater, Bivins, Yates, Stevenson, McGhee and Moore, relating to employee misconduct.

**HB 1285**, introduced by Representatives Smith (118), Portwood, Munzlinger, Sater, Bivins, Stevenson and McGhee, relating to unemployment compensation.

**HB 1286**, introduced by Representatives Smith (118), Wilson (130), Sater, Bivins and Stevenson, relating to employee information.

**HB 1287**, introduced by Representatives George, Spreng, Walsh, Wildberger, Darrough and Bowman, relating to noncertificated school employees.

**HB 1288**, introduced by Representatives George, Spreng, Walsh, Wildberger, Darrough and Bowman, relating to good faith employee negotiations.

**HB 1289**, introduced by Representative Yates, for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

**HB 1290**, introduced by Representatives Schaaf, Lembke, Kingery, Sutherland and Tilley, relating to sexual offenders.

**HB 1291**, introduced by Representatives Kingery, Wilson (119) and Moore, relating to health insurance provider networks.

**HB 1292**, introduced by Representatives Wildberger and Roorda, relating to sexual offenses.

**HB 1293**, introduced by Representatives Wildberger, Roorda, Oxford, Rucker, Brown (50), Darrough, Hughes, Schoemehl, LeVota, Meadows, Casey, Baker (25), Lampe, Kuessner, Bogetto, Harris (23), Henke, Witte, George, Walsh, Wright-Jones, Spreng, Young, Hubbard, Bland, Whorton, Meiners, Lowe (44), Corcoran, Donnelly and Vogt, relating to the Homeland Security.

**HB 1294**, introduced by Representatives Wildberger, Meadows and Roorda, relating to transporting a child without parental consent.

**HB 1295**, introduced by Representatives Wildberger, Darrough and Roorda, relating to personal property tax payments.

**HB 1296**, introduced by Representatives Wildberger, Meadows and Roorda, relating to commercial driver's licenses.

**HB 1297**, introduced by Representatives Wildberger, Meadows and Roorda, relating to state preemption of certain inspections.

**HB 1298**, introduced by Representatives LeVota, Wildberger, Harris (23), Bowman, Baker (25), Lampe, Hughes, Burnett, Kuessner, Jolly, Shoemyer, Skaggs, Wright-Jones and Brown (50), relating to Erica's law.

**HB 1299**, introduced by Representatives Shoemyer, Whorton, Harris (110) and Darrough, relating to private investigations for farm commodities.

**HB 1300**, introduced by Representative Shoemyer, relating to the seed availability and competition act.

**HB 1301**, introduced by Representatives Shoemyer, George, Darrough, Lowe (44), Wagner, Salva, Meadows, Bowman, Bland and Zweifel, relating to trade agreements.

**HB 1302**, introduced by Representatives Cooper (155), Moore, Schaaf, Day, Cunningham (86), Lembke, Kingery, Rupp, Dethrow, Schlottach, Bivins, Lowe (44), Wood, Threlkeld, Kratky, Cooper (120), Wasson, Bean, Emery, Dusenberger, Dixon, Young, May, Hunter, Ruestman, McGhee, Deeken, Jones, Myers, Bruns, Lipke, Sander, Phillips, Kelly, Smith (118), Schad, Nolte, Guest, Tilley, Pollock, Denison, Chinn, Yaeger, Franz, Weter, Sater, Dempsey, Harris (110), Jackson, Faith, Robb, Wilson (119), Kuessner, Casey, Roorda, Oxford, Schoemehl, Wildberger, Aull, Robinson, Swinger, Lampe, Pearce, Wallace, Wilson (130), Black, Cunningham (145), Stevenson, Davis, Bowman, Sutherland, Low (39), Haywood, Bringer, Self, Witte, Portwood, Flook, Viebrock, Smith (150), Nance, Avery, Curls, Parker, Fisher, Bearden, Richard, Wright (159), Parson, Hobbs, Burnett, Smith (14), El-Amin, Brown (50), Wagner, Page, Storch, Donnelly, Fraser, Hubbard, Hoskins, Bland, Corcoran, Darrough, Villa, Baker (25), Schneider, Liese, Walsh, Bogetto, Skaggs, Dougherty, Jolly, Wright-Jones, Zweifel and Vogt, relating to the state water patrol.

**HB 1303**, introduced by Representatives Pratt, Dougherty, Wilson (130), Smith (118) and Meiners, relating to right-of-way at intersections.

**HB 1304**, introduced by Representatives Swinger, Witte, Lampe, Kuessner, Meadows, Baker (25), Aull and Rucker, relating to school funding for summer school.

**HB 1305**, introduced by Representatives Smith (118), Dempsey, Franz, Viebrock, Bean, Yaeger, Portwood and Sander, relating to retirement plans.

**HB 1306**, introduced by Representatives Smith (118), Franz, Oxford, Viebrock, Rupp, Bean, Yaeger, Haywood, Portwood and Sander, relating to state employee retirement.

**HB 1307**, introduced by Representatives Pratt, Baker (25), Sutherland, Hobbs, Dusenberg, Yates, Schaaf, Behnen, Threlkeld, LeVota, Hubbard, Dethrow, Hughes and Cooper (155), relating to the establishment of the Missouri state diabetes commission.

**HB 1308**, introduced by Representatives Pratt, Faith, Wallace, Storch, Baker (123), Haywood, Burnett, Yaeger, Weter, Harris (23), Flook, Bivins, Baker (25), Hubbard and Walton, relating to the governing boards of certain state higher education institutions.

**HB 1309**, introduced by Representatives Lipke, Brown (30), Smith (118), Dixon, Schad, Meadows, Roorda, Smith (150), Parson, Wood, Young, Darrough, Corcoran and Bivins, relating to criminal forfeiture reform.

**HB 1310**, introduced by Representatives Lipke, Wells, Dusenberg, Brown (30), Smith (118), Dixon, Cunningham (86), Schad, Harris (23), Meadows, Parson, Wood, Young, St. Onge, Bivins, Wilson (130) and Black, relating to emergency vehicles.

**HB 1311**, introduced by Representatives Lipke, Brown (30), Dixon, Meadows, Roorda and Young, relating to the county law enforcement restitution fund.

**HB 1312**, introduced by Representatives Lipke, Smith (118), Munzlinger, Sander, Schad, Meadows, Roorda, Page, Storch, Parson, Wood, Young, Bivins, Black and Baker (25), relating to the DNA profiling system.

**HB 1313**, introduced by Representatives Lipke, Sander, Meadows, Roorda, Storch, Parson, Young, Baker (25), Jones and Schad, relating to the crime victims' compensation fund.

**HB 1314**, introduced by Representatives Lipke, Brown (30), Dethrow, Ervin, Munzlinger, Schad, Meadows, Roorda, Harris (23), Page, Storch, Lampe, Silvey, Parson, Wood, Young, Darrough, Corcoran and Bivins, relating to enticement of a child.

**HB 1315**, introduced by Representatives Lipke, Dixon, Emery, Meadows, Roorda, Silvey, Parson, Young, Corcoran and Bivins, relating to search warrants.

**HB 1316**, introduced by Representatives Lipke, Munzlinger, Dixon, Schad, Meadows, Roorda, Parson, Wood, Young, Darrough, Corcoran and Bivins, relating to disarming a peace officer.

**HB 1317**, introduced by Representatives Lipke, Brown (30), Munzlinger, Dixon, Cunningham (86), Meadows, Roorda, Parson, Wood, Young and Bivins, relating to crime victim's rights.

**HB 1318**, introduced by Representatives Lipke, Brown (30), Emery, Dixon, Roorda, Page, Parson and Young, relating to intoxication-related traffic offenses.

**HB 1319**, introduced by Representatives Lipke, Brown (30), Emery, Dixon, Page, Parson, Young, Bivins and Muschany, relating to driving privileges.

**HB 1320**, introduced by Representatives Lipke, Brown (30), Dusenberg, Meadows, Roorda, Parson, Wood, Young, Darrough, Corcoran, Bivins and Cunningham (86), relating to criminal background checks of gubernatorial appointees subject to senate confirmation.

**HB 1321**, introduced by Representatives Lipke, Brown (30), Dusenberg, Dixon, Parson, Wood, Young and Bivins, relating to criminal background checks on applicants for or employees of state agencies.

**HB 1322**, introduced by Representatives Lipke, Johnson (61), Brown (30), Roorda, Harris (23), Parson, Young, Storch, Bivins and Baker (25), relating to DNA profiling analysis.

**HB 1323**, introduced by Representatives Lipke, Yates, Meadows, Page and Burnett, relating to medical malpractice insurance for long-term care facilities.

**HB 1324**, introduced by Representatives Lipke and Bivins, relating to the uniform real property electronic recording act.

## **COMMUNICATION**

January 10, 2006

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

Dear Mr. Davis:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation that may be voted on during the legislative session. I have invested in agriculture value-added cooperatives in which I may be eligible to receive new generation cooperative incentive tax credits or loan guarantees. I do not have more than a ten percent interest in the value-added cooperatives.

In compliance with Section 105.461, please publish this in the Journal of the House.

Thank you.

Respectfully,

/s/ Wes Shoemyer

The following members' presence was noted: Moore, Munzlinger, Myers, Salva, Wagner and Wright (137).

## **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, January 11, 2006.

## **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Third Day, Monday, January 9, 2006, Page 41, Line 13, by deleting said line and inserting in lieu thereof the following:

The following members' presence was noted: Bland, Munzlinger and Quinn.

## **COMMITTEE MEETINGS**

### **ADMINISTRATION AND ACCOUNTS**

Thursday, January 12, 2006, 9:15 a.m. Hearing Room 7.

House Policies. Executive session may follow.

Public hearings to be held on: HR 68, HR 3

### **APPROPRIATIONS - EDUCATION**

Wednesday, January 11, 2006, 8:15 a.m. Hearing Room 1.

Organizational meeting. Presentation by the Department of Elementary and Secondary Education on the Foundation Formula.

### **JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT**

Wednesday, January 11, 2006, 2:00 p.m. Hearing Room 7.

Inspector General position.

Sub-committee for Inspector General guidelines.

Personnel issues (closed session). AMENDED

## **HOUSE CALENDAR**

FIFTH DAY, WEDNESDAY, JANUARY 11, 2006

### **HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 42

### **HOUSE BILLS FOR SECOND READING**

HB 1278 through HB 1324

### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 1015 - Icet