

# JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

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TWENTIETH DAY, WEDNESDAY, FEBRUARY 8, 2006

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father Robert Kurwicki, Pastor, St. Joseph Cathedral.

Almighty God of our families and our Loving God, we do begin this day conscious of Your presence and committing our lives anew to You. Sustain us with Your spirit and make us ready for our responsibilities, equal to our experiences, and adequate for every task. In the midst of the heat of daily duties let not our strength fail, nor our steps falter, nor our vision fade.

Make us patient with each other and understanding, remembering that each one of us walks a lonely road and each one has struggles no one else knows.

Give to us a real reverence for personality, a deep desire to speak the truth, and an unending enthusiasm for the reign of liberty and justice in our Nation and in our World. In the Master's name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the nineteenth day was approved as printed by the following vote:

AYES: 157

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bland
Bogetto	Bowman	Boykins	Bringer	Brooks
Brown 30	Brown 50	Bruns	Burnett	Casey
Chinn	Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	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
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	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	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	Spreng	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 137
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

LeVota                      Liese                      Wasson

VACANCIES: 003

## HOUSE RESOLUTION

Representative Bivins offered House Resolution No. 531.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 527 - Representative Aull  
House Resolution No. 528 - Representatives Meadows and Roorda  
House Resolution No. 529 - Representative Dougherty  
House Resolution No. 530 - Representative Brown (30)  
House Resolution No. 532 - Representative Dethrow  
House Resolution No. 533 - Representative Sanders Brooks  
House Resolution No. 534 - Representative Franz  
House Resolution No. 535  
and  
House Resolution No. 536 - Representative Threlkeld  
House Resolution No. 537 - Representative Wright-Jones  
House Resolution No. 538 - Representative Boykins  
House Resolution No. 539 - Representative Kuessner  
House Resolution No. 540 - Representative Hughes

## HOUSE CONCURRENT RESOLUTION

Representative Baker (25), et al., offered House Concurrent Resolution No. 19.

## SECOND READING OF HOUSE BILLS

**HB 1683** through **HB 1697** were read the second time.

## SPECIAL RECOGNITION

The Soldan High School Tigers Soccer Team was introduced by Representatives Roorda and El-Amin and recognized for attaining the St. Louis Public High School League Championship.

## COMMITTEE REPORTS

**Committee on Crime Prevention and Public Safety**, Chairman Lipke reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 1310**, 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.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SCS SB 578**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Pratt reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1169**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE BILLS

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

**HB 1698**, introduced by Representatives Lipke, Dusenberg, Yates, Cooper (158) and Tilley, relating to sexual offenders.

**HB 1699**, introduced by Representative Yates, relating to physical therapists.

**HB 1700**, introduced by Representatives Wasson, Tilley, Parson, Yaeger, Avery, Kratky, Pratt, Bruns, Wells, Dixon, Sater, Wallace, Richard, Page, Kingery, Cooper (155), Donnelly, Stevenson, Cooper (120) and Threlkeld, relating to pharmacy practice.

**HB 1701**, introduced by Representatives Burnett, Pratt, Lipke, Johnson (61), Johnson (90), Witte, Stevenson, Donnelly, Flook, Storch, Vogt, Jolly, Harris (23) and Bringer, relating to attorneys as notaries.

**HB 1702**, introduced by Representative Hoskins, relating to absentee voting.

**HB 1703**, introduced by Representative Yates, relating to insurance pooling.

**HB 1704**, introduced by Representatives St. Onge, Storch, Munzlinger, Whorton, Hobbs, Bivins, Guest, Myers, Bearden, Johnson (47), Wasson, Wilson (119), Nance, Smith (118), Smith (14), Self, Cooper (155), Schaaf, Icet, Nolte, Sutherland, Wright (159), Ervin, Black, Jackson, May, Robb, Dusenberg, Smith (150), Flook, Dempsey, Silvey, Lembke, Jetton, Jones, Pratt, Wilson (130), Schad, Wallace, Henke, Wagner, Low (44), Parson, Wildberger, Sater, Behnen, Yaeger, McGhee, Day, Weter, Rucker, Kingery, Wells, George, Walsh, Wood, Quinn, Dethrow, Meadows, Witte, Schlottach, Corcoran, Donnelly, Zweifel, Sander, Young, Stevenson, Nieves, Faith, Lampe, Harris (110), Dixon, Dougherty, Boykins and Fraser, relating to proof of lawful presence for renewal of drivers' licenses.

**HB 1705**, introduced by Representative Cooper (158), relating to the purchase of goods and services.

**HB 1706**, introduced by Representative Pratt, relating to ticket sales in certain counties.

**HB 1707**, introduced by Representatives Dusenberg, Yates, Salva, Pratt, Dougherty and Young, relating to local registrars.

**HB 1708**, introduced by Representatives Roorda, Casey, Johnson (90), Meadows, Dusenberg, Cunningham (86), Sanders Brooks, Bowman and Moore, relating to failing to report suspicious photographs involving a child.

**HB 1709**, introduced by Representatives Roorda, Casey, Whorton, McGhee, Corcoran and Bogetto, relating to the sale or consignment of certain emergency vehicles.

**HB 1710**, introduced by Representatives Robb, Hobbs and Johnson (47), relating to county property in regional recreational districts.

**HB 1711**, introduced by Representatives Robb, Hobbs and Johnson (47), relating to industrial development.

**HB 1712**, introduced by Representative Johnson (90), relating to juvenile court employees.

**HB 1713**, introduced by Representative Cooper (158), relating to the Missouri foundation for health.

**HB 1714**, introduced by Representatives Flook, Silvey, Nance, Pollock, Emery, Ervin, Kraus, Bivins, Tilley, Davis, Nieves, Fisher, Brown (30), Kingery, Wright (159), Cunningham (86), Weter, Ruestman and Moore, relating to criminal nonsupport.

**HB 1715**, introduced by Representative Pratt, relating to corporations.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 22**.

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, Missouri highway work zone crashes resulted in 5,852 injuries and 97 deaths to motorists between 1999 and 2003; and

WHEREAS, in 2004, three Missouri Department of Transportation employees were killed and 69 injured in work zones; and

WHEREAS, 28 Missouri State Highway Patrolmen have given the ultimate sacrifice, including seven Missouri State Highway Patrolmen who were killed along side Missouri's highways since 2001; and 16 Missouri State Highway Patrol vehicles have been involved in traffic accidents in the last twelve months; and

WHEREAS, highway injuries and fatalities are the result of driver inattention and the failure of drivers to slow down and move over in work zones or upon approach of emergency vehicles; and

WHEREAS, highway workers, including employees of the Missouri Department of Transportation, Missouri State Highway Patrol, law enforcement agencies, emergency medical services personnel, and highway contractors, regularly must work within the public right of way and in close proximity to traffic; and

WHEREAS, many of the causes of highway work deaths are preventable, including driver inattention, driving too fast for conditions, failing to yield right of way, following too closely and changing lanes improperly; and

WHEREAS, the Missouri General Assembly passed House Bill No. 1270 and House Bill No. 2032 in 2002 to require Missouri motorists to move over one lane or slow down when approaching parked emergency motor vehicles on highway right-of-ways; and

WHEREAS, public awareness of the need for greater caution and care by motorists while driving through highway work zones, while promoting safe practices by highway workers in highway work zones must be increased in the state of Missouri; and

WHEREAS, the Missouri General Assembly desires to promote highway worker safety and to encourage motorists traveling through Missouri highway work zones to exercise caution and care; and

WHEREAS, the Missouri General Assembly desires to generate an increased awareness of Missouri's law to move over or slow down when approaching stationary emergency vehicles in order to avoid the recent tragedies experienced by the Missouri State Highway Patrol:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly encourage the Missouri Department of Transportation to create individual highway signs detailing the name and date of highway workers, emergency workers, and highway patrol officers injured or killed on Missouri highways and erect such signs at the location of the injury or death. The Missouri Department of Transportation shall not create or erect such highway signs unless the immediate family members of the highway workers, emergency workers, or highway patrol officers approve of the sign's creation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Transportation.

In which the concurrence of the House is respectfully requested.

## COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative George is no longer a member of the Workforce Development and Workplace Safety Committee.

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

## COMMUNICATIONS

February 7, 2006

Mr. Stephen Davis  
Chief Clerk - House Administrator  
Missouri House of Representatives  
State Capitol - Room 306C  
Jefferson City, MO 65101

Dear Mr. Davis:

Pursuant to Chapters 105.452 to 105.461, RSMo., this letter is an official report that 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 would not have more than a ten percent interest in the proposed value-added venture.

In order for me to comply with Chapters 105.452 to 105.461, please publish this report in the Journal of the House.

Sincerely,

/s/ John Quinn  
State Representative  
District 7

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February 8, 2006

Mr. Stephen S. Davis, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Dear Mr. Davis:

Pursuant to Chapters 105.452 to 105.461, RSMo, this letter is an official report that 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 would not have more than a ten percent interest in the value-added cooperatives.

In order to comply with Chapters 105.452 to 105.461, please publish this report in the Journal of the House.

Sincerely,

/s/ Steve Hobbs  
District 21

## **WITHDRAWAL OF HOUSE BILL**

February 7, 2006

The Honorable Rod Jetton, Speaker  
State Capitol  
Jefferson City, MO 65101

Dear Speaker Jetton:

Please allow this letter to serve as my request to withdraw **House Bill No. 1475**. This bill relates to the prohibition of law enforcement officers in fourth class cities being allowed to affect an arrest outside city limits.

It is now my understanding that additional work will have to be done before it is heard in committee.

Thank you,

/s/ Bob Nance  
Representative Bob Nance  
District 36

## **ADJOURNMENT**

On motion of Representative Self, the House adjourned until 10:00 a.m., Thursday, February 9, 2006.

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Thursday, February 9, 2006, 8:00 a.m. Hearing Room 4.

Budget overviews of Governor's recommendations.

Mark up for Departments of Agriculture, Natural Resources, and Conservation.

Possible Executive session.

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

Monday, February 13, 2006, 11:00 a.m. Hearing Room 3.

Budget overview of Governor's recommendations for the  
Department of Health and Senior Services, and Mental Health.

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

Tuesday, February 14, 2006, 8:00 a.m. Hearing Room 3.

Budget overview of Governor's recommendations for the Department of Social Services.  
Committee will reconvene at 2:45 p.m.

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

Wednesday, February 15, 2006, 2:30 p.m. Hearing Room 3.

Mark up for departments will begin.

Executive session may follow. AMENDED

**CHILDREN AND FAMILIES**

Wednesday, February 15, 2006, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1485, HB 1539

**HEALTH CARE POLICY**

Thursday, February 9, 2006, 8:15 a.m. Hearing Room 7.

Executive session may follow. Hearing is a continuation from 2-2-06. AMENDED

Public hearing to be held on: HB 1226

**LOCAL GOVERNMENT**

Thursday, February 9, 2006, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1361, HB 1111, HB 1366

Executive session will be held on: HB 1070

**RULES**

Thursday, February 9, 2006, 8:30 a.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HCR 12, HCR 13, HCR 14,  
HR 203, HR 207, HR 234, HR 237, HR 305

**RULES [PURSUANT TO RULE 25(26)(f)]**

Thursday, February 9, 2006, 8:30 a.m. Hearing Room 2.

Public hearings to be held on: HJR 28, HCS HJR 36, HB 983, HB 1157, HB 1228

**SENIOR CITIZEN ADVOCACY**

Thursday, February 9, 2006, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1215

**HOUSE CALENDAR**

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 9, 2006

**HOUSE BILLS FOR SECOND READING**

HB 1698 through HB 1715

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 6, (1-25-06, Page 130) - Burnett
- 2 HCR 9, (1-25-06, Pages 130-131) - Ruestman