

# JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

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TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 21, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend Marvin Lue, Jr., Murchison Tabernacle Church, St. Louis.

May we pray.

God, we first give thanks to You for this opportunity to gather as servants of goodwill and equality for the citizens of this great state. We pause to give honor to those who led our great nation during moments of independence and emancipation. We reflect upon the accomplishments and achievements of a people who have persevered through weary years and silent tears; storms of slavery and segregation; pitfalls of poverty and persecution, and valleys of injustice and oppression. We celebrate the courage and conviction of a people who continue to overcome in the face of seen and unseen obstacles that rise on every leaning side.

God, we ask You today to give us guidance and direction as we deliberate over the affairs that are in the best interest for all of Missouri. We are here today to render opinions which we feel are for the good of our constituents, but ultimately we want to render opinions that are pleasing and acceptable in Your divine judgement. Therefore God, we petition You now to endow us with wisdom, charity, integrity and purpose, as we move from being a people who must be SHOWN to now being a people who SHOW what justice and equality for all people truly is. Endow us today with minds of rationality and hearts of benevolence as we grapple with issues that shape not only the urban streets, but also the suburban cul-de-sacs and rural plains. Endow us now with a consciousness that will push us beyond the fiscal bottom line and force us to address the whole story from every perspective. With Your help, we can make this state a GATEWAY to a level playing field for all who pass through.

In the spirit of hope and opportunity for all of Missouri, we seek You. 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: Zachary Adams, Riley Cook, Jeremy Bell, Quinn Cunningham, Grace Cunningham, Isaac Doster and HannaMay Doster.

The Journal of the twenty-sixth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 703

through

House Resolution No. 705 - Representative Cunningham (145)

House Resolution No. 706 - Representative Bogetto

House Resolution No. 707 - Representative Dusenber

House Resolution No. 708 - Representative Baker (25)  
House Resolution No. 709 - Representative Smith (118)  
House Resolution No. 710 - Representative Flook, et al.  
House Resolution No. 711 - Representative Richard  
House Resolution No. 712 - Representative Harris (23)  
House Resolution No. 713 - Representative Sander

## SECOND READING OF HOUSE BILLS

**HB 1816** through **HB 1825** were read the second time.

Representative Quinn assumed the Chair.

## SPECIAL RECOGNITION

The 2005-2006 Officers of the Missouri State Future Farmers of America were introduced by Representative Quinn.

Zach Kinne, President of the Missouri State Future Farmers of America, addressed the House.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 578**: Senators Shields, Crowell, Bartle, Callahan and Kennedy.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has dissolved the Conference Committee on **HCS SCS SB 578** and requests the House recede from its position on **HCS SCS SB 578** and take up and pass **SCS SB 578**.

## BILL CARRYING REQUEST MESSAGE

**HCS SCS SB 578**, relating to funeral protests, was taken up by Representative Rucker.

Representative Rucker moved that the House recede from its position on **HCS SCS SB 578** and take up and truly agree to and finally pass **SCS SB 578**.

Which motion was adopted by the following vote:

AYES: 139

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bogetto
Bowman	Bringer	Brown 30	Brown 50	Bruns
Casey	Chinn	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls	Darrough
Davis	Day	Deeken	Dempsey	Denison

Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Fraser	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hunter	Ice	Jackson	Johnson 47
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Marsh	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	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	Smith 14	Smith 150	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 137	Wright 159
Yaeger	Yates	Zweifel	Mr Speaker	

NOES: 017

Boykins	Brooks	Burnett	Chappelle-Nadal	Daus
El-Amin	George	Low 39	Lowe 44	Oxford
Skaggs	Smith 118	Spreng	Villa	Vogt
Walsh	Young			

PRESENT: 000

ABSENT WITH LEAVE: 004

Bland	Hughes	Johnson 61	Wright-Jones
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VACANCIES: 003

Representative Quinn declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bland
Bogetto	Bowman	Bringer	Brown 30	Brown 50
Bruns	Casey	Chinn	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Curls
Darrough	Davis	Day	Decken	Dempsey
Denison	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Fraser	Guest	Harris 23
Harris 110	Henke	Hobbs	Hoskins	Hubbard
Hunter	Ice	Jackson	Johnson 47	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke

LeVota	Liese	Lipke	Loehner	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	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 150	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Wagner	Wallace	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 137	Wright 159	Yaeger
Yates	Zweifel	Mr Speaker		

NOES: 014

Brooks	Burnett	Chappelle-Nadal	Daus	Donnelly
El-Amin	George	Low 39	Lowe 44	Spreng
Villa	Vogt	Walsh	Young	

PRESENT: 002

Boykins	Oxford
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ABSENT WITH LEAVE: 006

Haywood	Hughes	Johnson 61	Smith 118	Stevenson
Wright-Jones				

VACANCIES: 003

## PERFECTION OF HOUSE JOINT RESOLUTIONS

**HJR 28**, relating to a property tax exemption, was taken up by Representative Jackson.

On motion of Representative Jackson, **HJR 28** was ordered perfected and printed.

**HCS HJR 36**, relating to a personal property tax exemption, was taken up by Representative Bruns.

Representative Pearce assumed the Chair.

On motion of Representative Bruns, **HCS HJR 36** was adopted.

On motion of Representative Bruns, **HCS HJR 36** was ordered perfected and printed.

## HOUSE CONCURRENT RESOLUTION

**HCR 17**, relating to the spring rise, was taken up by Representative Quinn.

On motion of Representative Quinn, **HCR 17** was adopted.

## **COMMITTEE REPORTS**

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 40**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 44**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1035**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1070**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1078**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1105**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1138**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1145, 1359 & 1121**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1234**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1310**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1393**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1380**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1688**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**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 1026**, 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 Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 1251**, 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.

**Committee on Retirement**, Chairman Smith (118) reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 1466**, 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.

**Special Committee on Healthcare Facilities**, Chairman Schaaf reporting:

Mr. Speaker: Your Special Committee on Healthcare Facilities, to which was referred **HB 1232**, begs leave to report it has examined the same and recommends that the **House Committee Substitute 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 1826**, introduced by Representatives Burnett and Skaggs, relating to retirement age for municipal court judges.

**HB 1827**, introduced by Representatives Wasson, Ervin, Cunningham (145), Jetton, Richard, Parson, Wells, Weter, Dethrow, Denison, Viebrock, Wilson (130), Ruestman, Day, Wood, Roark, Wallace, Kuessner, Tilley, Smith (150), Self, Schlottach, Jones, Sater, Pollock, Munzlinger, Emery, Bearden, McGhee, Baker (123), Wilson (119), Nolte and Flook, relating to group health insurance.

**HB 1828**, introduced by Representatives Emery, Nieves, Hunter, Rector, Cunningham (145), Munzlinger, Franz, Phillips, Self, Black, Dempsey, Cunningham (86), Schaaf, Fisher, Lembke, Schad, Rucker, Myers, McGhee, Sander, Jackson, Jetton and Silvey, relating to the right of pharmacies regarding abortifacients.

**HB 1829**, introduced by Representative Aull, relating to school food services.

**HB 1830**, introduced by Representatives Johnson (90), Lipke, Harris (23), Roorda, Jones, Parson and Dusenberg, relating to purchased merchandise from secondhand dealers.

**HB 1831**, introduced by Representatives Villa, Daus, Lowe (44), Baker (25), Meiners, Low (39), Hoskins, Vogt and Young, relating to the use for marijuana for medicinal purposes.

**HB 1832**, introduced by Representatives Smith (118) and Sutherland, relating to property tax documentation.

**HB 1833**, introduced by Representatives Wood, Wallace, Parker, Jones, Pratt, Chinn, Wilson (119), Nolte, Whorton, Ruestman, Kratky, Bean, Portwood, Lembke, Kingery, May, Moore, Kelly, Deeken, Dusenberg, Wright (159), Schaaf, Schlottach, Weter, Dethrow, Cunningham (145), Wright (137), Marsh, Self, Kuessner, Meadows, Yaeger, Dougherty, Darrough, Wasson, Hobbs, Harris (110), Pollock, Denison, Sater, Aull, Phillips, Smith (118), Jackson, Smith (150), Tilley, Wilson (130), Liese and Smith (14), relating to the designation of the official state invertebrate.

**HB 1834**, introduced by Representatives Lampe, Rucker, Boykins, Bowman, Harris (110), Meiners, Bogetto, Jolly, Yaeger, Storch, Schoemehl, Corcoran, Low (39), Fraser, Dixon, Witte, LeVota, Whorton, Young, Moore, Baker (25), McGhee, Sanders Brooks and Darrough, relating to an advisory council for the education of gifted.

**HB 1835**, introduced by Representatives Kraus, Wildberger, Meadows, Tilley, Muschany, Sander, McGhee, Cooper (155), Dusenberg and Moore, relating to the designation of parent and family involvement in education week.

**HB 1836**, introduced by Representative Portwood, relating to the Missouri homeland security advisory council.

**HB 1837**, introduced by Representatives Yates, Schaaf, Threlkeld, Cooper (155), Flook, Ervin, Dempsey, Jetton, Pratt, Dusenberg, Kraus, Portwood, Wilson (130), Fisher, Cunningham (86), Smith (118), Avery, Munzlinger, Hunter, Smith (14), Silvey, Stevenson, Meiners, McGhee, Parker, Phillips and Johnson (47), relating to malpractice insurance.

**HB 1838**, introduced by Representatives Wright (137), Wilson (130), Viebrock, Emery, Smith (14), Kelly, Denison, Wasson, Jones, Nieves, Schaaf, Lembke, Portwood, Baker (123), Dixon, Kingery, Black, Threlkeld, Myers and Chinn, relating to display of documents with religious content.

The following member's presence was noted: Hughes.

## **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, February 22, 2006.

## COMMITTEE MEETINGS

### BUDGET

Wednesday, February 22, 2006, 8:00 a.m. Hearing Room 3.  
Appropriation Committee Reports.  
Executive session may follow.

### BUDGET

Thursday, February 23, 2006, 8:15 a.m. Hearing Room 3.  
Appropriation Committee Reports. Executive session may follow. CANCELLED  
Public hearing to be held on: HB 1149

### CHILDREN AND FAMILIES

Wednesday, February 22, 2006, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 1182, HB 1075

### CONSERVATION AND NATURAL RESOURCES

Wednesday, February 22, 2006, 6:00 p.m. Hearing Room 1.  
Executive session may follow.  
Public hearings to be held on: HB 1144, HB 1037

### CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 22, 2006, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearings to be held on: HB 998, HB 1065, HB 1192, HB 1432

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 22, 2006, 8:00 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: HB 1449, HB 1175

### HEALTH CARE POLICY

Thursday, February 23, 2006, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 1112, HB 1358, HB 1601

### LOCAL GOVERNMENT

Thursday, February 23, 2006, 8:00 a.m. Hearing Room 6.  
Executive session will follow. AMENDED  
Public hearings to be held on: HB 1326, HB 1342

### PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 22, 2006, 12:00 p.m. Hearing Room 1.  
Possible Executive session.  
Public hearings to be held on: HB 1260, HB 1553, HB 1392, HB 1515, HB 1517



**RETIREMENT**

Wednesday, February 22, 2006, 6:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1493, HB 1495

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

Wednesday, February 22, 2006, 1:00 p.m. Hearing Room 6.

Public hearings to be held on: HCS HB 1014, HCS HB 1742

**SPECIAL COMMITTEE ON GENERAL LAWS**

Tuesday, February 28, 2006, 3:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1110, HB 1103, HB 1375, HB 1461

**TOURISM**

Thursday, February 23, 2006, 9:00 a.m. House Lounge.

Joint meeting with Senate Committee on Economic Development,  
Tourism and Local Government.

There will be a presentation from the Missouri Tourism Commission.

**TRANSPORTATION**

Wednesday, February 22, 2006, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1040, HB 1379, HB 1045, HB 1152

**UTILITIES**

Wednesday, February 22, 2006, 12:00 p.m. Hearing Room 5.

Public Service Commission Chairman Jeff Davis will present information  
regarding rulemaking for last year's SB 179.

This will occur prior to public hearing.

Public hearings to be held on: HCR 16, HB 1632

**VETERANS**

Wednesday, February 22, 2006, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1478, HB 1482

**WAYS AND MEANS**

Wednesday, February 22, 2006, 6:00 p.m. Hearing Room 5.

Possible Executive session.

Public hearings to be held on: HB 1677, HB 1440, HB 1619

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, February 22, 2006, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1498

## **HOUSE CALENDAR**

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 22, 2006

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

HB 1826 through HB 1838

### **HOUSE BILLS FOR PERFECTION**

- |   |                     |                                |
|---|---------------------|--------------------------------|
| 1 | HCS HB 1456 - Roark | (4 hours debate on Perfection) |
| 2 | HB 1249 - Spreng    |                                |

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(2/20/06)

- |   |                        |
|---|------------------------|
| 1 | HB 1157 - Cooper (120) |
| 2 | HB 1169 - Cooper (120) |
| 3 | HB 1228 - Ruestman     |
| 4 | HB 983 - Meadows       |
| 5 | HB 1427 - Johnson (90) |
| 6 | HB 1118 - Dempsey      |

(2/22/06)

- |   |                            |
|---|----------------------------|
| 1 | HB 1688 - Johnson (47)     |
| 2 | HB 1393 - Behnen           |
| 3 | HB 1234 - Loehner          |
| 4 | HB 1105 - Wilson (119)     |
| 5 | HB 1035 - Young            |
| 6 | HCS HB 1138 - Johnson (47) |

### **HOUSE CONCURRENT RESOLUTION FOR THIRD READING**

HCR 12, (2-16-06, Page 276) - Portwood

### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

- |   |                    |
|---|--------------------|
| 1 | HJR 28 - Jackson   |
| 2 | HCS HJR 36 - Bruns |

### **HOUSE CONCURRENT RESOLUTIONS**

- |   |   |
|---|---|
| 1 | HCR 13, (2-15-06, Pages 255-256) - Sater      |
| 2 | HCR 14, (2-16-06, Pages 276-277) - Schlottach |
| 3 | HCR 15, (2-15-06, Pages 256-257) - Jetton     |