

JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 22, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

Hear our prayer, O Lord, and let our petition for support come to You.

You, Sovereign Lord, have given us Your words of wisdom, so that what we do and how we respond to inquiries, would bring encouragement to those who are disillusioned. Morning by morning You awaken us and open our understanding to Your will. You speak to us, and we listen. We do not rebel or turn away.

Heavenly Father, You have granted us skill in all wisdom, discernment, knowledge, and the competence to stand and serve in this State House.

We walk within this House in the integrity of our heart. We will set no worthless thing before our eyes. We hate the way of arrogance and stubbornness: They will not fasten their grip on us.

May You Lord, who loved us and, in Your special favor, gave us everlasting comfort and good hope, comfort our hearts and give us strength in every good thing we do and say.

We ask these things in the name of Your Son. Amen and amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Isaac Gardner.

Speaker Pro Tem Bearden assumed the Chair.

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

HOUSE RESOLUTION

Representative Deeken offered House Resolution No. 715.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 714	-	Representative Wilson (130), et al.
House Resolution No. 716	-	Representative Phillips
House Resolution No. 717	-	Representative Cunningham (145)

House Resolution No. 718	
through	
House Resolution No. 720	- Representative Smith (14), et al.
House Resolution No. 721	- Representative Franz
House Resolution No. 722	
and	
House Resolution No. 723	- Representative Viebrock
House Resolution No. 724	- Representative Dethrow
House Resolution No. 725	
and	
House Resolution No. 726	- Representative Bruns
House Resolution No. 727	
through	
House Resolution No. 741	- Representative Lager
House Resolution No. 742	
and	
House Resolution No. 743	- Representative Whorton
House Resolution No. 744	
and	
House Resolution No. 745	- Representative Faith
House Resolution No. 746	- Representative Smith (14), et al.
House Resolution No. 747	- Representative Rector
House Resolution No. 748	- Representative Day
House Resolution No. 749	- Representative Richard
House Resolution No. 750	- Representative Cunningham (145)
House Resolution No. 751	- Representative Muschany
House Resolution No. 752	- Representative Wilson (130), et al.
House Resolution No. 753	- Representative Aull
House Resolution No. 754	- Representative Day
House Resolution No. 755	- Representative Lager
House Resolution No. 756	- Representative Loehner
House Resolution No. 757	- Representative Smith (14), et al.
House Resolution No. 758	- Representative Lampe

SECOND READING OF HOUSE BILLS

HB 1826 through **HB 1838** were read the second time.

SPECIAL RECOGNITION

Tom Finnie was introduced by Representative Denison and recognized as an Outstanding Missourian.

Don and Denise Jessen and Community Hospices of America volunteers were introduced by Representative Wilson (130).

THIRD READING OF HOUSE JOINT RESOLUTIONS

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

On motion of Representative Bruns, **HCS HJR 36** was read the third time and passed by the following vote:

AYES: 151

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 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	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	Icet
Jackson	Johnson 47	Johnson 90	Jolly	Jones
Kelly	Kingery	Kratky	Kraus	Kuessner
Lager	Lampe	LeVota	Liese	Lipke
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
Ruestman	Rupp	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Schoemehl
Self	Shoemyer	Silvey	Smith 14	Smith 118
Smith 150	Spreng	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Vogt	Wagner	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 137
Wright 159	Yaeger	Yates	Young	Zweifel
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper 155	Denison	Johnson 61	Lembke	Loehner
Rucker	Skaggs	Stevenson	Wright-Jones	

VACANCIES: 003

Speaker Pro Tem Bearden declared the bill passed.

Representative Phillips assumed the Chair.

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

On motion of Representative Jackson, **HJR 28** was read the third time and passed by the following vote:

AYES: 152

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 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 90	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	LeVota	Liese
Lipke	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	Ruestman	Rupp	Salva	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Schoemehl	Self	Shoemyer	Silvey	Smith 14
Smith 118	Smith 150	Spreng	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Cooper 155	Johnson 61	Lembke	Loehner	Rucker
Skaggs	Stevenson	Wright-Jones		

VACANCIES: 003

Representative Phillips declared the bill passed.

THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 12, relating to Hepatitis C Awareness Day, was taken up by Representative Portwood.

On motion of Representative Portwood, **HCR 12** was read the third time and passed by the following vote:

AYES: 153

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 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
Icet	Jackson	Johnson 47	Johnson 90	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	Lipke	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	Ruestman	Rupp	Salva
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Smith 14	Smith 118	Smith 150	Spreng	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 137	Wright 159	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper 155	Johnson 61	Loehner	Rucker	Skaggs
Stevenson	Wright-Jones			

VACANCIES: 003

Representative Phillips declared the bill passed.

HOUSE CONCURRENT RESOLUTIONS

HCR 14, relating to American Heart Month, was taken up by Representative Schlottach.

On motion of Representative Schlottach, **HCR 14** was adopted.

HCR 15, relating to the federal Food Stamp Program, was taken up by Representative Jetton.

Speaker Pro Tem Bearden resumed the Chair.

Representative Phillips resumed the Chair.

On motion of Representative Jetton, **HCR 15** was adopted by the following vote:

AYES: 155

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 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
Icet	Jackson	Johnson 47	Johnson 90	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	Ruestman	Rupp
Salva	Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Schoemehl	Self	Shoemyer
Silvey	Skaggs	Smith 14	Smith 118	Smith 150
Spreng	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 137	Wright 159
Yaeger	Yates	Young	Zweifel	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper 155

Johnson 61

Rucker

Stevenson

Wright-Jones

VACANCIES: 003

Speaker Pro Tem Bearden resumed the Chair.

COMMITTEE REPORTS

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1014**, 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 1742**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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 1320**, 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 Professional Registration and Licensing, Chairman Behnen reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1153**, 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.

Committee on Small Business, Chairman Ervin reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **HB 1367**, 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.

Committee on Transportation, Chairman St. Onge reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 994**, 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.

INTRODUCTION OF HOUSE BILLS

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

HB 1839, introduced by Representative Shoemyer, relating to the scheduling and sale of certain controlled substances.

HB 1840, introduced by Representatives Brown (50), Roorda, Wildberger, Bogetto, Walton, Meiners, Walsh, George, Lampe, Curls, Robinson, Spreng, Villa, Casey, Skaggs, Dougherty, Rucker, Hoskins, Hubbard, Bland, Aull, Johnson (90), Burnett, Yaeger, Tilley, Low (39), Storch, Sater, Denison, Harris (110), Baker (123), Hobbs, Wright (159) and LeVota, relating to the Precious Doe Hotline.

HB 1841, introduced by Representative Myers, relating to the governor's advisory council on agricultural science and technology.

HB 1842, introduced by Representative Myers, relating to plant biotechnology.

HB 1843, introduced by Representatives Robb and Parker, relating to vacancies on fire protection district boards.

HB 1844, introduced by Representative Roorda, relating to noise ordinances.

HB 1845, introduced by Representatives Avery, Meadows, Roorda, Moore, Bruns, Bivins, Day, Whorton, Walton, Jackson, Wright (159), Smith (14), Fisher and Casey, relating to grants for veterans' service officer programs.

HB 1846, introduced by Representatives Lampe, Baker (25), Henke, Storch, Aull, Roorda, Walton, Casey, Oxford, Curls, Brown (50), Darrough, Wildberger, Yaeger, Chappelle-Nadal, McGhee, Bogetto, Moore, Salva, Cooper (120), Robb, Donnelly, Page, Robinson, Fraser, Rucker, Boykins, Bowman, Cunningham (86), LeVota and Fares, relating to gifted students.

HB 1847, introduced by Representatives Aull, Page, Swinger, Chappelle-Nadal, LeVota, Schoemehl, Oxford, Robinson, Whorton, Yaeger, Roorda, Lampe, Brown (50), Skaggs, Kuessner, Corcoran, Storch, Shoemyer, Baker (25), Witte and Henke, relating to state aid for schools.

HB 1848, introduced by Representatives Aull, Walsh, Fisher, McGhee, Dougherty, Witte, Kingery, Hughes, Lampe, Harris (110) and Brown (50), relating to private mental health facilities and group homes.

HB 1849, introduced by Representatives Cooper (120) and Skaggs, relating to child custody.

HB 1850, introduced by Representative Cooper (158), relating to a statewide planning and mapping system.

HB 1851, introduced by Representatives Bland, Sanders Brooks and Brown (50), relating to certain health care benefits.

HB 1852, introduced by Representatives Bland, Chappelle-Nadal, Burnett, Boykins, Rucker, Kuessner, Brown (50), Wildberger, Wright-Jones, Low (39), Bringer and Sanders Brooks, relating to the coordination of school health programs.

HB 1853, introduced by Representatives Bland, Chappelle-Nadal, Burnett, Wright-Jones, Rucker, Kuessner, Walton, Brown (50), Wildberger, Boykins, Low (39), Bringer, Darrough and Hubbard, relating to the emancipation day commission.

HB 1854, introduced by Representatives Bland, Chappelle-Nadal, Burnett, Boykins, Rucker, Meiners, Walton, Brown (50), Wildberger, Wright-Jones, Low (39), Sanders Brooks, Hubbard and Liese, relating to the creation of a death penalty commission.

HB 1855, introduced by Representatives Bland, Low (39), Darrough, Meiners, Walton, Liese, Brown (50), Sanders Brooks, Curls and Hubbard, relating to installment payments of property taxes in certain charter counties.

HB 1856, introduced by Representatives Bland, Chappelle-Nadal, Burnett, Wright-Jones, Rucker, Kuessner, Walton, Liese, Wildberger, Boykins, Low (39), Bringer, Sanders Brooks, Hubbard and Brown (50), relating to obesity.

HB 1857, introduced by Representative Lipke, relating to commencement of prosecution.

HB 1858, introduced by Representative Lipke, relating to prosecuting and circuit attorneys' power to dismiss charges.

HB 1859, introduced by Representatives Ervin and Richard, relating to small businesses.

HB 1860, introduced by Representative Threlkeld, relating to limitations on campaign contributions.

COMMUNICATION

February 22, 2006

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

RE: Possible Personal Interest in Legislation

Dear Chief Clerk Davis,

Pursuant to Section 105.461, RSMo, I am hereby filing a written letter of a possible personal interest in legislation that may be voted on during this legislative session.

As an employee on the administrative side of Lindenwood University, I deal with processing government grants, scholarships, and the majority of student loans for my assigned students from Lindenwood University. One of the main requirements of my job is to make sure that the students receive the best possible grants, scholarships, or student loans they qualify for. Possible legislation regarding grants, scholarships and student loans could impact certain aspects of my employment that could come to the Missouri House of Representatives.

In compliance with Section 105.461, RSMo, would you please publish this letter in the Missouri House of Representatives Journal? If you have any questions, please call my office and I will be more than happy to answer them for you. Thank you for your time and help in this matter.

Respectfully Yours,

/s/ Rep. Joe Smith

WITHDRAWAL OF HOUSE BILL

February 21, 2006

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

Dear Mr. Davis:

I am respectfully requesting that **House Bill No. 1189**, which allows the board of trustees of the Public School Retirement System of the City of St. Louis to increase benefits for retired members under certain conditions referred to the Retirement Committee to be withdrawn.

If I should take any further action please advise my office at your earliest convenience. Thank you for your consideration of my request.

Respectfully,

/s/ Robin Wright-Jones
State Representative, 63rd District

RECESS

Representative Dempsey moved that the House stand in recess until the Supplemental Calendar on **HB 1014** has been distributed, and then stand adjourned until 10:00 a.m., Thursday, February 23, 2006.

SUPPLEMENTAL CALENDAR

WEDNESDAY, FEBRUARY 22, 2006

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 1014 - Icet

ADJOURNMENT

Pursuant to the motion of Representative Dempsey, the House adjourned until 10:00 a.m., Thursday, February 23, 2006.

COMMITTEE MEETINGS

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

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

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

Thursday, February 23, 2006, 9:00 a.m. Hearing Room 4.
Public hearings to be held on: HCS HB 1100, HCS HB 1168, HB 1204,
HB 1302, HCS HB 1305, HCS HB 1232, HCS HB 1344, HCS HB 1485,
HCS HB 1539, HCS HB 978, HCS HB 1026, HB 1251, HB 1466, HJR 39

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

SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT AND FINANCE

Tuesday, February 28, 2006, 8:00 a.m. Hearing Room 1.
Executive session may follow.
Public hearings to be held on: HB 1511, HB 1770

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.

HOUSE CALENDAR

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 23, 2006

HOUSE BILLS FOR SECOND READING

HB 1839 through HB 1860

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 1014 - Icet

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

HCR 13, (2-15-06, Pages 255-256) - Sater