

# JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

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THIRTY-FIRST DAY, MONDAY, FEBRUARY 27, 2006

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, we give thanks to You, for You are good and Your mercy endures forever.

Let Your ear now be attentive and Your eyes open to listen to the prayer of Your servants which we pray before You day and night for the residents of this state: Prayers for provisions, consolation, strength of purpose and prayers for divine intervention into troubled lives.

Cause us, each day, to learn more about Your plans for this day, this week, this session, because we trust You. So we come to You in prayer, asking for Your guidance.

In our thoughts, deliberations, and activities this week, may we have the courage to renounce manipulation, reject pressure, and resist the fear of failure.

May You, God Almighty, bless us, and make the work of our hand fruitful and develop in us Your vision for this present assembly and the state of Missouri.

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

The Pledge of Allegiance to the flag was recited.

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

The Journal of the thirtieth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 803 - Representative Pratt  
House Resolution No. 804  
and  
House Resolution No. 805 - Representative Davis  
House Resolution No. 806 - Representative Pollock  
House Resolution No. 807 - Representative Wells  
House Resolution No. 808  
through  
House Resolution No. 814 - Representative Phillips

House Resolution No. 815

through

House Resolution No. 821 - Representative Whorton

House Resolution No. 822 - Representatives Hubbard and Storch

House Resolution No. 823 - Representative Aull

House Resolution No. 824 - Representative Quinn

House Resolution No. 825 - Representative Liese

House Resolution No. 826

and

House Resolution No. 827 - Representative Johnson (61)

House Resolution No. 828 - Representative Rector

House Resolution No. 829

through

House Resolution No. 831 - Representative Skaggs

House Resolution No. 832 - Representative Ervin

House Resolution No. 833 - Representative Wright (137)

## SECOND READING OF HOUSE BILLS - APPROPRIATIONS

**HB 1001** through **HB 1013** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1873** through **HB 1877** were read the second time.

## SPECIAL RECOGNITION

Tessa Vellek was introduced by Representative Harris (23) and recognized for receiving the “Nestle’ Very Best in Youth Award.”

Representative Black assumed the Chair.

## PERFECTION OF HOUSE BILL

**HB 1249**, relating to a sales and use tax exemption, was taken up by Representative Spreng.

On motion of Representative Spreng, **HB 1249** was ordered perfected and printed by the following vote:

AYES: 145

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bogetto
Bringer	Brown 50	Bruns	Burnett	Casey
Chinn	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	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	Hunter	Icet	Jackson
Johnson 47	Johnson 61	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	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robinson	Roorda	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schoemehl	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	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 137	Wright 159
Wright-Jones	Yates	Young	Zweifel	Mr Speaker

NOES: 000

PRESENT: 001

Robb

ABSENT WITH LEAVE: 014

Bland	Bowman	Boykins	Brooks	Brown 30
Chappelle-Nadal	Darrough	Hughes	Johnson 90	Parker
Rucker	Schneider	Self	Yaeger	

VACANCIES: 003

## REFERRAL OF HOUSE BILLS - APPROPRIATIONS

The following House Bills were referred to the Committee indicated:

**HB 1001** - Budget  
**HB 1002** - Budget  
**HB 1003** - Budget  
**HB 1004** - Budget  
**HB 1005** - Budget  
**HB 1006** - Budget  
**HB 1007** - Budget  
**HB 1008** - Budget  
**HB 1009** - Budget  
**HB 1010** - Budget  
**HB 1011** - Budget  
**HB 1012** - Budget  
**HB 1013** - Budget

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1340** - Transportation  
**HB 1522** - Elementary and Secondary Education  
**HB 1561** - Professional Registration and Licensing  
**HB 1583** - Transportation  
**HB 1649** - Ways and Means  
**HB 1685** - Special Committee on Energy and Environment  
**HB 1704** - Transportation  
**HB 1752** - Special Committee on General Laws  
**HB 1756** - Elementary and Secondary Education  
**HB 1780** - Transportation  
**HB 1811** - Workforce Development and Workplace Safety

## COMMITTEE REPORTS

**Committee on Children and Families**, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 974**, 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 Veterans**, Chairman Jackson reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 984**, 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.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1141**, 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.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1491**, 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 1878**, introduced by Representatives Dixon, Wildberger, Sander and Wood, relating to prior, persistent, and predatory sexual offenders.

**HB 1879**, introduced by Representatives Dixon and Flook, relating to school zones.

**HB 1880**, introduced by Representative Dixon, relating to the cost of imprisonment in jail in certain counties.

**HB 1881**, introduced by Representatives Dixon, Page and Wood, relating to escape from commitment or detention.

**HB 1882**, introduced by Representatives Dixon, Wildberger, Sander and Wood, relating to enhanced punishment for certain crimes.

**HB 1883**, introduced by Representatives Dixon, Sander and Wood, relating to misrepresentation of age by a minor to obtain liquor.

**HB 1884**, introduced by Representative Behnen, relating to real estate appraisers.

**HB 1885**, introduced by Representative Behnen, relating to real estate appraisers.

**HB 1886**, introduced by Representatives Wright (137), Bowman, Boykins, Walton, Portwood, Curls, Hughes, Lembke, Haywood, Marsh, Wood, Cunningham (145) and Faith, relating to tax credits for sponsors of after-school programs.

### COMMUNICATIONS FROM THE SECRETARY OF THE STATE

TO THE CHIEF CLERK OF THE MISSOURI HOUSE  
Stephen S. Davis  
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 105<sup>th</sup> Legislative District in the State of Missouri, on the 7<sup>th</sup> day of February, 2006, as provided by law, the following named person was elected to the office of State of Representative, 105<sup>th</sup> Legislative District as shown by the election results certified to this office by the election authorities of the 105<sup>th</sup> Legislative District.

**Name**

Michael R. Frame  
416 Maple Hollow Trail  
Eureka, MO 63025

**Office**

State Representative  
105<sup>th</sup> Legislative District

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of my office  
this 23<sup>rd</sup> day of February, 2006.

/s/ Robin Carnahan  
Secretary of State

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TO THE CHIEF CLERK OF THE MISSOURI HOUSE  
Stephen S. Davis  
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 132<sup>nd</sup> Legislative District in the State of Missouri, on the 7<sup>th</sup> day of February, 2006, as provided by law, the following named person was elected to the office of State Representative, 132<sup>nd</sup> Legislative District as shown by the election results certified to this office by the election authority of the 132<sup>nd</sup> Legislative District.

**Name**

**Office**

Charles Dake  
1856 Lawrence 1135  
Miller, MO 65707

State Representative  
132<sup>nd</sup> Legislative District

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of my office  
this 23<sup>rd</sup> day of February, 2006.

/s/ Robin Carnahan  
Secretary of State

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TO THE CHIEF CLERK OF THE MISSOURI HOUSE

Stephen S. Davis  
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 93<sup>rd</sup> Legislative District in the State of Missouri, on the 7<sup>th</sup> day of February, 2006, as provided by law, the following named person was elected to the office of State Representative, 93<sup>rd</sup> Legislative District as shown by the election results certified to this office by the election authority of the 93<sup>rd</sup> Legislative District.

**Name**

**Office**

Dwight Scharnhorst  
870 Hillsboro Road  
Valley Park, MO 63088

State Representative  
93<sup>rd</sup> Legislative District

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of my office  
this 23<sup>rd</sup> day of February, 2006.

/s/ Robin Carnahan  
Secretary of State

The following members' presence was noted: Bland, Hughes, Sanders Brooks and Self.

## **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Tuesday, February 28, 2006.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Tuesday, February 28, 2006, 12:30 p.m. Hearing Room 1.

Possible Executive session.

Public hearing to be held on: HB 1369

### **BUDGET**

Wednesday, March 1, 2006, 8:15 a.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012, HB 1013

### **BUDGET**

Thursday, March 2, 2006, 8:15 a.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012, HB 1013

### **BUDGET**

Friday, March 3, 2006, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012, HB 1013

### **BUDGET**

Monday, March 6, 2006, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012, HB 1013

### **CHILDREN AND FAMILIES**

Wednesday, March 1, 2006, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1678

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, March 1, 2006, 8:00 a.m. Hearing Room 6.

Executive session to follow.

Public hearings to be held on: HB 998, HB 1432

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 28, 2006, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1083, HB 1312, HB 1322

ELECTIONS

Tuesday, February 28, 2006, 6:00 p.m. Hearing Room 5.

Public hearings to be held on: HB 1542, HB 1528, HB 1499

Executive session will be held on: HB 977, HB 1194

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 1, 2006, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 1281, HB 1474, HB 1059

INSURANCE POLICY

Tuesday, February 28, 2006, 3:30 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 1504, HB 1703, HB 1837

JUDICIARY

Tuesday, February 28, 2006, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1257, HB 1436

LOCAL GOVERNMENT

Tuesday, February 28, 2006, 3:00 p.m. Hearing Room 6.

Executive session.

LOCAL GOVERNMENT

Thursday, March 2, 2006, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1442, HB 1726

RETIREMENT

Wednesday, March 1, 2006, 6:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1128, HB 1628

RULES

Tuesday, February 28, 2006, Hearing Room 4 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HR 702, HR 673, HR 531, HR 715, HR 674

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

Tuesday, February 28, 2006, Hearing Room 4 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 1162, HCS HB 1151, HCS HB 1349, HB 994, HCS HB 1153, HCS HB 1367, HB 1058, HB 1320, HCS HB 1317, HCS HB 1366, HB 1424, HCS HB 1343, HCS HB 1306, HCS HB 1357

**SPECIAL COMMITTEE ON GENERAL LAWS**

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

Executive session may follow. AMENDED

Public hearings to be held on: HB 1110, HB 1103, HB 1375, HB 1461, HB 1559

**SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT AND FINANCE**

Wednesday, March 1, 2006, 12:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1511, HB 1770, HB 1769

**TOURISM**

Tuesday, February 28, 2006, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1722, HB 1781

**TRANSPORTATION**

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

Executive session may follow.

Public hearings to be held on: HB 1267, HB 1338, HB 1541

**VETERANS**

Wednesday, March 1, 2006, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1552, HB 1746

**HOUSE CALENDAR**

THIRTY-SECOND DAY, TUESDAY, FEBRUARY 28, 2006

**HOUSE BILLS FOR SECOND READING**

HB 1878 through HB 1886

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton

## **HOUSE BILLS FOR PERFECTION**

- |   |                                     |                                |
|---|-------------------------------------|--------------------------------|
| 1 | HCS HB 1456 - Roark                 | (4 hours debate on Perfection) |
| 2 | HCS HB 1742 - Portwood              |                                |
| 3 | HCS HB 1070 - Johnson (47)          |                                |
| 4 | HCS HB 1145, 1359 & 1121 - Portwood |                                |
| 5 | HCS HB 1078 - Cunningham (145)      |                                |
| 6 | HB 1310 - Lipke                     |                                |
| 7 | HCS HB 1380 - St. Onge              |                                |

## **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 1466 - Daus

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

(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) |

(2/24/06)

- |   |                           |
|---|---------------------------|
| 1 | HCS HB 978 - Smith (14)   |
| 2 | HB 1251 - Guest           |
| 3 | HCS HB 1344 - Villa       |
| 4 | HCS HB 1168 - Tilley      |
| 5 | HB 1204 - Roorda          |
| 6 | HCS HB 1100 - Schaaf      |
| 7 | HCS HB 1232 - Smith (118) |

## **HOUSE BILL FOR THIRD READING**

HB 1249 - Spreng

## **HOUSE BILLS FOR THIRD READING - CONSENT**

- |   |                        |
|---|------------------------|
| 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      |

**HOUSE CONCURRENT RESOLUTION**

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