JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

THIRTY-THIRD DAY, WEDNESDAY, MARCH 1, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

O Lord, who can put into words and tell all Your mighty deeds? Who can show forth all the praise [that is due You]?

We lift our eyes to You this morning, depending wholeheartedly on Your sense of purpose, receiving Your favor and amazed at Your patience.

When the days become long and we grow weary to the point of exhaustion: loaded with burdens You never intended us to bear; bending beneath its weight, You alone cause us to cease from our labor, You take away our burdens and refresh us with rest.

Though we don't always get it right, though we don't always agree on the proper course, may our purest motive be to please You and to leave this state in better condition than when we first began.

May the 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 Honorary Pages for the Day, to serve without compensation: Chelsey Jones, Kammy Miller, Edvija Jahic, Tyler Miller, Hayley Creech, Avery Loring, Meaghann Penglis, Miranda Crane, Audra Gilstrap, Camille Hackamack, Emily Haines, Emily Richards, Caleb Alberts, Benjamin Dunn, Adam Hayes, Matthew Norman, Daniel Ouellette, Laura Percival, Javon Clark, Brandon Frank, Danielle Signaigo, Elizabeth Stenberg, Martha Roth, Vincent Vance, Christianna Hudson, Christina Burton, Rae Graupman, Kole Berrey, Zane Crigler, Brooke Hunt, Tiffanie Toles, Amber Dry, Lawrence Patterson, Mersades Johnson and Mindy Behlmann.

The Journal of the thirty-second day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 930	-	Representative Dougherty
House Resolution No. 931		
and		
House Resolution No. 932	-	Representative Casey
House Resolution No. 933	-	Representative Smith (150)
House Resolution No. 934	-	Representatives Marsh and Moore
House Resolution No. 935	-	Representative Smith (118)
House Resolution No. 936		-
and		
House Resolution No. 937	_	Representative Chinn
House Resolution No. 938	_	Representative Smith (118)
House Resolution No. 939	_	Representative Lipke
House Resolution No. 940	_	Representative Cooper (120)
House Resolution No. 941	_	Representative Frame
House Resolution No. 942	_	Representative Wilson (119)
House Resolution No. 943		1 /
through		
House Resolution No. 957	_	Representative Hobbs
House Resolution No. 958		•
and		
House Resolution No. 959	-	Representative Sater
House Resolution No. 960	-	Representative Wildberger
House Resolution No. 961	-	Representative Haywood
House Resolution No. 962	-	Representative Dethrow
House Resolution No. 963	-	Representative George
House Resolution No. 964	-	Representative Brown (30)
House Resolution No. 965	-	Representative Swinger
House Resolution No. 966	-	Representative Sanders Brooks
House Resolution No. 967		
through		
House Resolution No. 980	-	Representative Schad
House Resolution No. 981		
and		
House Resolution No. 982	-	Representative Bruns

HOUSE CONCURRENT RESOLUTION

Representative Dixon, et al., offered House Concurrent Resolution No. 26.

SECOND READING OF HOUSE BILLS

HB 1887 through HB 1905 were read the second time.

PERFECTION OF HOUSE BILLS

HCS HB 1742, relating to disabled employees' medical assistance, was taken up by Representative Portwood.

Representative Baker (25) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1742, Page 2, Section 208.146, Line 30, by deleting "two thousand five hundred" and by inserting in lieu thereof the following: "five thousand".

On motion of Representative Baker (25), **House Amendment No. 1** was adopted by the following vote:

AYES: 156

Aull Baker 25 Baker 123 Bean Avery Behnen Bivins Black Bland Bearden Bowman Boykins Brooks Bogetto Bringer Bruns Chinn Brown 50 Burnett Casey Chappelle-Nadal Cooper 120 Cooper 155 Cooper 158 Corcoran Cunningham 145 Cunningham 86 Curls Darrough Dake Davis Deeken Denison Day Dempsey Dethrow Dixon Donnelly Dougherty Dusenberg El-Amin Emery Ervin Faith Fares Fisher Flook Frame Franz Fraser Guest Harris 23 Harris 110 Haywood George Hoskins Hubbard Hughes Henke Hobbs Hunter Icet Johnson 47 Johnson 61 Johnson 90 Jolly Kelly Kingery Kratky Jones Kraus Kuessner Lager Lampe Lembke LeVota Lipke Loehner Low 39 Liese Lowe 44 McGhee Meadows Marsh May Meiners Moore Munzlinger Muschany Myers Nance Nieves Nolte Oxford Page Parson Pearce Phillips Pollock Portwood Pratt Quinn Rector Richard Roark Robb Robinson Roorda Ruestman Rupp Salva Sander Sater Schaaf Schad Scharnhorst Schlottach Schneider Schoemehl Shoemyer Smith 14 Smith 118 Smith 150 Silvey Skaggs Spreng Stevenson St. Onge Storch Sutherland Swinger Threlkeld Viebrock Villa Vogt Wallace Walsh Walton Wagner Wasson Wells Weter Whorton Wildberger Wilson 119 Wright 137 Wright 159 Wilson 130 Witte Wood Zweifel Wright-Jones Yaeger Yates Young Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 30 Daus Jackson Parker Rucker Self Tilley

Speaker Pro Tem Bearden assumed the Chair.

Representative Meiners offered House Amendment No. 2.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1742, Page 2, Section 208.146, Line 33, by deleting "two thousand five hundred" and by inserting in lieu thereof the following: "five thousand".

On motion of Representative Meiners, **House Amendment No. 2** was adopted.

Representative Chappelle-Nadal offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1742, Pages 2 and 3, Section 208.146, Lines 48-62, by deleting all of said lines and replacing with "this section. Such premium shall be four percent of such person's gross income.".

Representative Chappelle-Nadal moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES:	076
AIES.	070

Icet

Aull	Baker 25	Behnen	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Dake	Darrough	Donnelly	Dougherty	El-Amin
Faith	Frame	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Nance
Nolte	Oxford	Page	Robinson	Roorda
Rupp	Salva	Scharnhorst	Schneider	Schoemehl
Shoemyer	Silvey	Skaggs	Smith 150	Spreng
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Whorton	Wildberger	Witte
Wood	Wright 159	Wright-Jones	Yaeger	Young
Zweifel				
NOES: 082				
Avery	Baker 123	Bean	Bearden	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Fares	Fisher
Flook	Franz	Guest	Hobbs	Hunter

Johnson 47

Jones

Jackson

Kelly

Lager Lembke Lipke Loehner Kingery Marsh May McGhee Moore Munzlinger Myers Nieves Parson Pearce Muschany Pollock Phillips Portwood Pratt Quinn Rector Richard Roark Robb Ruestman Sander Sater Schaaf Schad Schlottach Smith 14 Smith 118 Stevenson St. Onge Self Threlkeld Viebrock Wallace Wasson Sutherland Wilson 130 Wells Weter Wilson 119 Wright 137

Yates Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 30 Daus Parker Rucker Tilley

Representative Baker (25) offered House Amendment No. 4.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1742, Page 2, Section 208.146, Line 13, by deleting the words "two hundred fifty" and replacing with the words "three hundred".

Representative Baker (25) moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Casey	Chinn	Chappelle-Nadal	Corcoran	Curls
Dake	Darrough	Donnelly	Dougherty	El-Amin
Faith	Frame	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Nance
Nolte	Oxford	Page	Robinson	Roorda
Rupp	Salva	Scharnhorst	Schneider	Schoemehl
Shoemyer	Silvey	Skaggs	Smith 150	Spreng
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Whorton	Wildberger	Witte
Wright-Jones	Yaeger	Young	Zweifel	

NOES: 082

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Bruns	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Fares	Fisher	Flook
Franz	Guest	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Lager	Lembke	Lipke	Loehner	Marsh

367 *Journal of the House*

May	McGhee	Moore	Munzlinger	Muschany
Myers	Nieves	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Sander
Sater	Schaaf	Schad	Schlottach	Self
Smith 14	Smith 118	Stevenson	St. Onge	Sutherland
Threlkeld	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 30 Cunningham 86 Daus Parker Rucker

Tilley Mr Speaker

On motion of Representative Portwood, HCS HB 1742, as amended, was adopted.

On motion of Representative Portwood, **HCS HB 1742, as amended**, was ordered perfected and printed.

HCS HB 1070, relating to tax increment financing, was taken up by Representative Johnson (47).

HCS HB 1070 was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1529 - Elections

HB 1573 - Elections

HB 1617 - Conservation and Natural Resources

HB 1623 - Transportation

HB 1625 - Special Committee on General Laws

HB 1629 - Job Creation and Economic Development

HB 1630 - Crime Prevention and Public Safety

HB 1636 - Children and Families

HB 1648 - Judiciary

HB 1652 - Judiciary

HB 1653 - Children and Families

HB 1674 - Transportation

HB 1679 - Crime Prevention and Public Safety

HB 1682 - Workforce Development and Workplace Safety

HB 1689 - Local Government

HB 1690 - Elementary and Secondary Education

HB 1692 - Ways and Means

HB 1694 - Retirement

HB 1695 - Crime Prevention and Public Safety

```
HB 1696 - Judiciary
```

HB 1699 - Insurance Policy

HB 1701 - Judiciary

HB 1707 - Local Government

HB 1708 - Crime Prevention and Public Safety

HB 1710 - Local Government

HB 1711 - Local Government

HB 1720 - Conservation and Natural Resources

HB 1723 - Special Committee on Energy and Environment

HB 1729 - Crime Prevention and Public Safety

HB 1736 - Workforce Development and Workplace Safety

HB 1747 - Insurance Policy

HB 1748 - Local Government

HB 1749 - Special Committee on Agri-Business

HB 1750 - Elementary and Secondary Education

HB 1751 - Special Committee on General Laws

HB 1754 - Special Committee on Student Achievement and Finance

HB 1763 - Insurance Policy

HB 1765 - Elections

HB 1768 - Children and Families

HB 1784 - Crime Prevention and Public Safety

HB 1785 - Judiciary

HB 1787 - Job Creation and Economic Development

HB 1790 - Conservation and Natural Resources

HB 1798 - Local Government

HB 1800 - Ways and Means

HB 1806 - Financial Institutions

HB 1807 - Judiciary

HB 1808 - Senior Citizen Advocacy

HB 1809 - Elementary and Secondary Education

HB 1812 - Ways and Means

HB 1826 - Judiciary

HB 1894 - Special Committee on Student Achievement and Finance

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Myers reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1270** and **HB 1027**, 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 Agriculture Policy, to which was referred **HB 1333**, 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 Corrections and Public Institutions, Chairman Kelly reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 998**, 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 Corrections and Public Institutions, to which was referred **HB 1432**, 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 Insurance Policy, Chairman Yates reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1101**, 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 Local Government, Chairman Johnson (47) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1030**, **HB 1033**, **HB 1146**, **HB 1225** and **HB 1326**, 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 Tourism, Chairman Marsh reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1722**, 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 Utilities, Chairman Rector reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 1632**, 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 Workforce Development and Workplace Safety, Chairman Hunter reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1498**, 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 1906, introduced by Representative Viebrock, relating to costs in criminal cases.

HB 1907, introduced by Representatives Darrough, Johnson (90), Roorda, Brown (50), Chappelle-Nadal, Meadows, Casey, Oxford, Salva, Spreng, Day, Yaeger, Rucker, Kuessner, Whorton, Wildberger, Weter, Zweifel, Corcoran, Harris (110), McGhee, Moore, Walsh, Munzlinger, Dusenberg, Wood, Storch, Harris (23), Dempsey, Smith (14), LeVota, Skaggs, Schoemehl and Lipke, relating to a highway designation.

HB 1908, introduced by Representatives Bogetto, Boykins, Schoemehl, Page, Brown (50), Baker (25), Sanders Brooks and Low (39), relating to prohibiting the sale of inappropriately colored firearms.

HB 1909, introduced by Representatives Burnett, Yaeger, Stevenson, Spreng and Walton, relating to debt-management services.

HB 1910, introduced by Representatives Fisher, Hunter, Dethrow and Roark, relating to public contracts.

HB 1911, introduced by Representatives Avery, Pratt, Lembke, Moore, McGhee and Roorda, relating to additional powers of the director of finance.

HB 1912, introduced by Representatives Salva and Wildberger, relating to use and occupancy restrictions for structures on lands and waters of certain hydroelectric projects.

HB 1913, introduced by Representative Chappelle-Nadal, relating to workplace violence.

HB 1914, introduced by Representatives Bruns, Deeken and Skaggs, relating to state employee retirement.

HB 1915, introduced by Representatives Bruns, Deeken and Skaggs, relating to public retirement systems.

HB 1916, introduced by Representatives Bruns, Deeken and Skaggs, relating to public retirement systems.

COMMUNICATION

March 1, 2006

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

371 *Journal of the House*

Dear Chief Davis:

This letter is to advise you that my employment is as an attorney in the law firm of Law Offices of Nathan Cooper. I am the principal of the firm.

My firm represents numerous clients. However, none of these clients (to my knowledge) has any interest in any legislation before the Missouri General Assembly. The representations exist in several states and change rapidly, so the identification of each attorney/client relationship cannot be specific.

To the extent that a particular piece of legislation directly impacts any entity, that I know to be a client of the firm, in a manner different than it impacts other similarly situated entities in that industry, I will abstain from voting on the proposal.

Should you have any questions, please feel to contact me.

Sincerely,

/s/ Nathan D. Cooper State Representative District 158

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Thursday, March 2, 2006.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Thirty-second Day, Tuesday, February 28, 2006, Page 352, Line 3, by inserting immediately after said line the following:

REFERRAL OF HOUSE BILL

The following House Bill was referred to the committee indicated:

HB 1249 - Fiscal Review (Fiscal Note)

COMMITTEE MEETINGS

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

HEALTH CARE POLICY

Thursday, March 2, 2006, 8:00 a.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1732, HB 1099, HB 1687, HB 1444

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

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

Thursday, March 2, 2006, Hearing Room 1 one hour after morning adjournment.

Public hearings to be held on: HCS HB 1275, HCS HB 974, HB 984,

HB 1491, HCS HB 1532, HB 1521, HCS HB 1270 & 1027

SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT

Tuesday, March 7, 2006, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 1149, HB 1535, HB 1384

SPECIAL COMMITTEE ON GENERAL LAWS

Thursday, March 2, 2006, 9:45 a.m. Side gallery.

Executive session will be held on: HB 1110, HB 1103, HB 1375, HB 1461, HB 1559

SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT AND FINANCE

Thursday, March 2, 2006, 9:00 a.m. Hearing Room 5.

Executive session. AMENDED

HOUSE CALENDAR

THIRTY-FOURTH DAY, THURSDAY, MARCH 2, 2006

HOUSE BILLS FOR SECOND READING

HB 1906 through HB 1916

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 1070 Johnson (47)
- 3 HCS HB 1145, 1359 & 1121 Portwood
- 4 HCS HB 1078 Cunningham (145)
- 5 HB 1310 Lipke
- 6 HCS HB 1380 St. Onge
- 7 HCS HB 1485 Icet
- 8 HCS HB 1026 Rucker
- 9 HB 1302 Cooper (155)
- 10 HCS HB 1305 Smith (118)
- HB 994 Dusenberg
- 12 HCS HB 1151 Cunningham (86)
- 13 HCS HB 1317 Lipke
- 14 HCS HB 1349 Loehner

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HB 1466 - Daus

HOUSE BILLS FOR PERFECTION - CONSENT

(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)

(3/01/06)

- 1 HCS HB 1153 Emery
- 2 HB 1320 Lipke
- 3 HCS HB 1343 Munzlinger
- 4 HCS HB 1357 Johnson (47)
- 5 HCS HB 1366 Robinson
- 6 HCS HB 1367 Hobbs
- 7 HB 1424 Franz

HOUSE BILLS FOR THIRD READING

- 1 HB 1249, (Fiscal Review 2-28-06) Spreng
- 2 HCS HB 1742, E.C. Portwood

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1228 Ruestman
- 2 HB 983 Meadows
- 3 HB 1427 Johnson (90)
- 4 HB 1118 Dempsey
- 5 HB 1688 Johnson (47)
- 6 HB 1393 Behnen
- 7 HB 1234 Loehner
- 8 HB 1105 Wilson (119)
- 9 HB 1035 Young
- 10 HCS HB 1138 Johnson (47)

HOUSE CONCURRENT RESOLUTION

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