

JOURNAL OF THE HOUSE

First Regular Session, 94th GENERAL ASSEMBLY

NINTH DAY, THURSDAY, JANUARY 18, 2007

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Msgr. Donald W. Lammers.

Lord God, as we conclude the ninth day of this 94th Session of the General Assembly, we have begun to use the dimensions of authority given us through our election to this body. We remember Your holy word:

"Let every person be subordinate to the higher authority, for there is no authority except from God, and those that exist have been established by God." (Romans 13:1)

Almighty God, when we feel the authority that is ours and when we use it, may we also feel humble, remembering, *"there is no authority except from You."* Help us, by Your grace, to be very conscientious in using our authority, because in using it we are responsible to You.

May Your Holy Spirit remind us to pray often about these matters, for You are the one in whom all authority rests, our God forever and ever. 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: Don Stauffer and Michel Drehle.

The Journal of the eighth day was approved as printed.

SPECIAL RECOGNITION

The Blair Oaks Falcons Football Team was introduced by Representative Bruns and recognized for attaining the 2006 Class 2 Football State Championship.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 165 through House Resolution No. 192

HOUSE CONCURRENT RESOLUTIONS

Representative Walton, et al., offered House Concurrent Resolution No. 12.
Representative Bowman, et al., offered House Concurrent Resolution No. 14.

SECOND READING OF HOUSE BILLS

HB 431 through **HB 456** were read the second time.

HOUSE RESOLUTION

HCS HR 15, relating to the House Rules, was taken up by Representative Dempsey.

Representative Dempsey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Resolution No. 15, Rule 22, Page 5, Line 43, by inserting after the first occurrence of the word "Speaker." the following:

"The Minority Floor Leader may make recommendations to the Speaker regarding minority membership of special committees."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Villa raised a point of order that pursuant to Rule 6, **HCS HR 15** is not properly before the House.

The Chair ruled the point of order not timely.

On motion of Representative Dempsey, **House Amendment No. 1** was adopted.

Representative Cooper (120) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Resolution No. 15, Rule 25, Page 10, Line 2, by inserting opening and closing brackets around the words "and sponsor"; and

Further amend said resolution, Rule 39, Page 15, Lines 4 and 5, by inserting an opening and closing bracket around the words "No bill shall be taken up for consideration by the House unless it has been upon the calendar for at least one legislative day."; and

Further amend said resolution, Rule 40, Page 16, Line 25, by inserting after said line the following:

"Timing of Placement on Calendar

Rule 41. No bill shall be taken up for consideration by the House unless it has been upon the calendar for at least one legislative day."; and

Further amend said resolution by renumbering the remaining rules accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cooper (120), **House Amendment No. 2** was adopted.

Representative Burnett offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Resolution No. 15, Page 7, Section Rule 25(c), Line 8, by deleting the following brackets:

[, according to seniority within each respective party caucus, except that no member shall be forced to give up his/her offices, chamber seat or parking space that he/she currently occupies unless such office, chamber seat or parking space is re-assigned by the committee to the members of the opposite party. Notwithstanding any provision of this rule to the contrary, the committee may make assignments to]."; and

Further amend by deleting the following:

"The committee may make assignments to the party caucuses for those caucuses to assign to their respective members. The"; and

Further amend by deleting the following:

"shall have priority with respect to such assignment within their respective caucuses.".

Representative Burnett moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:.

AYES: 063

Aull	Baker 25	Bland	Bowman	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Dougherty
Fallert	Frame	George	Grill	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hughes
Komo	Kratky	Kuessner	Lampe	Low 39
Lowe 44	McClanahan	Meiners	Nasheed	Norr
Oxford	Page	Quinn 9	Robinson	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Shively	Spreng	Storch	Swinger	Talboy
Todd	Villa	Vogt	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zimmerman	Zweifel		

NOES: 092

Baker 123	Bearden	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cooper 158	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Flook	Funderburk	Grisamore	Guest	Hobbs
Hoskins	Hubbard	Hunter	Ice	Jones 89
Jones 117	Kelly	Kingery	Kraus	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Nance	Nieves
Nolte	Onder	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Sander	Sater	Schaaf

Schad	Scharnhorst	Schlottach	Schneider	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Thomson	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 159
Yates	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 008

Avery	Brown 30	Franz	Johnson	LeVota
Liese	Meadows	Skaggs		

Representative Donnelly offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Resolution No 15, Page 9, Rule 25, Lines 2-3, by deleting "[to recommit] **adopted by the members**" and replacing with "**to recommit**".

Representative Donnelly moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Aull	Baker 25	Bland	Bowman	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	El-Amin
Fallert	Frame	George	Grill	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hughes
Komo	Kratky	Kuessner	Lampe	Low 39
Lowe 44	McClanahan	Meiners	Nasheed	Norr
Oxford	Quinn 9	Robinson	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Shively
Spreng	Storch	Swinger	Talboy	Todd
Villa	Vogt	Walsh	Walton	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zimmerman	Zweifel			

NOES: 092

Baker 123	Bearden	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cooper 158	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Funderburk	Grisamore	Guest	Hobbs
Hoskins	Hubbard	Hunter	Icet	Jones 89
Jones 117	Kelly	Kingery	Kraus	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Nance	Nieves
Nolte	Onder	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Sander	Sater	Schaaf

Schad	Scharnhorst	Schlottach	Schneider	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Thomson	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 159
Yates	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Brown 30	Franz	Johnson	LeVota
Liese	Meadows	Page	Skaggs	

Representative Harris (110) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Resolution No. 15, Page 3, Rule 9, Lines 40-41, by deleting the words:

"It shall be at the Speaker's discretion whether members may speak on points of order."

Representative Harris (110) moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

On motion of Representative Dempsey, **HCS HR 15, as amended**, was adopted by the following vote:

AYES: 095

Baker 123	Bearden	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cooper 158	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Funderburk	Grisamore	Guest
Hobbs	Hoskins	Hubbard	Hunter	Icet
Jones 89	Jones 117	Kelly	Kingery	Kraus
Lembke	Lipke	Loehner	Marsh	May
McGhee	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Richard
Robb	Rucker	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	St. Onge	Stream	Sutherland
Thomson	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 159	Yates	Young	Mr Speaker

NOES: 059

Aull	Baker 25	Bland	Bowman	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Fallert
Frame	George	Grill	Harris 23	Harris 110
Haywood	Hodges	Holsman	Hughes	Komo
Kratky	Kuessner	Lampe	Low 39	Lowe 44
McClanahan	Meiners	Nasheed	Norr	Oxford
Quinn 9	Robinson	Roorda	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Spreng	Storch
Swinger	Talboy	Todd	Villa	Vogt
Walsh	Walton	Whorton	Wildberger	Witte
Wright-Jones	Yaeger	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Brown 30	Franz	Johnson	LeVota
Liese	Meadows	Page	Skaggs	

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 13, introduced by Representatives McGhee, Jetton, Bearden, Self, Ruestman, Icet, Sutherland, Schoeller, Dixon, Kelly, Stream, Day, Nance, Richard, Smith (150), Deeken, Muschany, Portwood, Lembke, Davis, Nieves, Dusenberg, Schad, Fisher, Wright, Pratt, Hunter, Denison, Ervin, Baker (123), Tilley, Parson, Dempsey, Smith (14), Jones (117), Kraus, Grisamore, Pearce, Hobbs, Robb, Nolte, Onder, Wilson (130), Thomson, Quinn (7), Sander, Threlkeld, Cooper (158), Brandom, Silvey, Munzlinger, Wood, Schlottach, Loehner, Viebrock, Wallace, Cunningham (145), Dethrow, Ruzicka, Sater, Faith, Kingery, Wells and Schneider, disapproving the amount of increase in compensation for public officials as recommended by the Missouri Citizen's Commission on Compensation for Elected Officials.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 9, introduced by Representatives Dethrow, Sander, Robb, Dougherty, Ervin, Ruestman, Wilson (119), Weter, Fisher, Wallace and Sater, relating to bird, fish, game, wildlife, or forestry resources.

HJR 10, introduced by Representatives Baker (123), Flook, Thomson, Wallace, Pratt, Nance, Bivins, Nolte, Schlottach, Wilson (119), McGhee, Weter, Pearce, Loehner, Whorton, Aull, Sater, Corcoran, Meadows, Robinson, Ruzicka, Jones (117), Kraus, Fisher, Robb, Smith (150), Sander, Deeken, Quinn (7), Dougherty and Schoeller, relating to bonded indebtedness of school districts.

INTRODUCTION OF HOUSE BILLS

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

HB 457, introduced by Representatives Sutherland, Wilson (119), Wright-Jones, Corcoran, Moore, Whorton, Brown (30), Wells, Muschany, Wood, Bivins, McGhee, Robb, Dusenberg, Sater, Ruestman, Dougherty, Page and Wallace, relating to the senior citizens' homestead tax relief act.

HB 458, introduced by Representatives Sutherland, Hunter, Parson, Bivins, Wilson (119), Sater, Dougherty and Robb, relating to annual franchise taxes.

HB 459, introduced by Representatives Sutherland and Quinn (9), relating to municipal land transfers.

HB 460, introduced by Representative Loehner, relating to the transition period for elected officials.

HB 461, introduced by Representatives Cooper (155), Moore, Kuessner, Skaggs, Day, Jones (117), Schad, Threlkeld, Dethrow, Sander, Pollock, Robb, Wells, Parson, Stevenson, Wilson (130), Kingery, Lembke, Portwood, Weter, Wood, Pearce, Ervin, Self, Bringer, Schlottach, Smith (150), Schoeller, Hobbs, Tilley, Bandom, Wallace, Loehner, Whorton, Jones (89), Richard, Hubbard, Fisher, Nolte, Cunningham (86), Casey, Brown (50) and Dusenberg, relating to the water patrol.

HB 462, introduced by Representatives Munzlinger, Dougherty, Sander, Fisher, McGhee, Sater, Dusenberg, Moore, Smith (150), Wells, Meadows and Franz, relating to the criminal justice system.

HB 463, introduced by Representatives Schaaf and Cooper (155), relating to ethical vaccines.

HB 464, introduced by Representative Pollock, relating to qualifications of certain mayors.

HB 465, introduced by Representatives Wilson (119), Dethrow, Kuessner, Fisher, Wilson (130), Wood, Parson, Jones (117), Munzlinger, Schad, Meadows, Wallace, Kelly, Viebrock, Nolte, Threlkeld, Loehner, Quinn (7), Cooper (120), Wells, Cunningham (145), Pollock, Franz, Self, Smith (150), Emery, Sater, Whorton, Sander, Frame, Day and Hobbs, relating to all-terrain vehicles.

HB 466, introduced by Representatives Schaaf, Denison, Page, Ervin, Hunter and Bivins, relating to certificate of need.

HB 467, introduced by Representative Cox, to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts-Heart of Missouri Council, Inc.

HB 468, introduced by Representatives Wallace, Day, Wilson (130), Loehner, Baker (123), Smith (150), Dixon, Nance, Baker (25), Weter, Schad, Whorton, Munzlinger, Moore, Roorda, Dethrow, Sater, Kuessner, Bivins, Wells, Cooper (158), Nolte, Grill, Sander, Flook, Fisher, Schneider, Walton, Quinn (7), Deeken, Wood, Aull, Wilson (119), Meadows, Corcoran, Komo, Ervin, Franz, Kelly, Tilley, Kingery, Viebrock, May and Emery, relating to a motor fuel tax exemption for school districts.

HB 469, introduced by Representatives Wallace, Wilson (130), Muschany, Baker (123), Smith (150), Dixon, Nance, Schad, Whorton, Munzlinger, Roorda, Dethrow, Sater, Kuessner, Bivins, Wilson (119), Cooper (158), Nolte, Sander, Fisher, Schneider, Walton, Day, Quinn (7), Deeken, Wood, Aull, Loehner, Emery, Moore, Ervin, Franz, Thomson, Kelly, Tilley, Muschany, Kingery, Pearce, Threlkeld, Weter, Viebrock and May, relating to liability for school employees and volunteers.

HB 470, introduced by Representatives Flook, Jones (89), Donnelly and Grill, relating to child custody jurisdiction and enforcement.

HB 471, introduced by Representatives Flook, Jones (89), Donnelly and Grill, relating to the uniform premarital agreement act.

HB 472, introduced by Representatives Flook, Nance, Jones (89), Donnelly and Grill, relating to the interstate family support act.

HB 473, introduced by Representatives Burnett and Grill, relating to the unauthorized practice of law.

HB 474, introduced by Representative Burnett, relating to garnishment.

HB 475, introduced by Representatives Burnett, Harris (23), Page, Grill, Bringer, Zimmerman and Flook, relating to attorneys as notaries.

HB 476, introduced by Representatives Burnett, Yaeger, Wildberger and Grill, relating to debt-management services.

HB 477, introduced by Representatives Dethrow, Self, Wilson (119), Munzlinger, Loehner, Sater, Hunter, Weter, Schad, Wells, Nieves, Cooper (155), Fisher, Day and Harris (110), relating to an exemption from state and local sales and use taxes for agricultural fencing.

HB 478, introduced by Representatives Dethrow, Kelly, Franz, Wilson (119), Fisher, Wallace, Wood, Loehner, Day, Schlottach, Smith (150), Whorton, Dougherty, Harris (110), Jones (117), Ruestman, Wells, Weter and Sander, relating to the national animal identification system.

HB 479, introduced by Representatives Darrough, Corcoran, Spreng, Zweifel, Zimmerman, Wildberger, St. Onge, Kuessner, Walsh, Harris (110), Bivins and Munzlinger, relating to alternative fuel and alternative fuel vehicles.

HB 480, introduced by Representatives Roorda, Wildberger, Norr and Bruns, relating to board members of fire protection and ambulance districts.

HB 481, introduced by Representative Sutherland, relating to the commissioner's advisory council.

HB 482, introduced by Representatives Walton, Moore, Curls, Walsh, Yaeger, Bringer, Swinger, Harris (110), Zweifel, Schieffer and Roorda, relating to counterfeiting.

HB 483, introduced by Representatives Schaaf, Page, Cooper (155), Baker (25), Sander, Hoskins and Onder, relating to use of lasers and pulse light sources.

HB 484, introduced by Representatives Hughes, Hubbard, Lowe (44), Rucker, Wright-Jones, Corcoran, Burnett, Hoskins, Talboy and Bowman, relating to the Missouri Universal Health Insurance Act.

HB 485, introduced by Representatives Hughes, Wallace, Burnett, Oxford, Frame, Wildberger, Weter, Meiners, Rucker, Brown (50), Lowe (44), Corcoran, Low (39), Hoskins, Talboy and Bowman, relating to title loans.

HB 486, introduced by Representatives Hughes, Burnett, Oxford, Frame, Wildberger, Sater, Rucker, Brown (50), Lowe (44), Corcoran, Hoskins, Hubbard and Bowman, relating to the labeling of food.

HB 487, introduced by Representatives Cooper (120), Parson, Schneider, Dempsey, Sutherland, Moore, Schlottach, Threlkeld, Faith, Jones (89), Scharnhorst, Richard, Hunter, Hobbs, Funderburk, Yates, Jones (117), Schad, McGhee and Deeken, relating to the Missouri county planning act.

HB 488, introduced by Representative Wasson, relating to a tax credit for the use of idle reduction technology.

HB 489, introduced by Representatives Baker (123), Dixon, Jones (117), Threlkeld, Wallace, Flook, Fisher, Robb, Sander, Deeken, Spreng, Chappelle-Nadal, McGhee, Harris (110), Wilson (119) and Storch, relating to gifted education.

HB 490, introduced by Representatives Baker (123), Yates, Wallace, Quinn (7), McGhee, Cooper (158), Roorda, Salva, Meadows, Bowman, Burnett, Brown (50), Storch, Harris (110), Oxford, Daus and Kratky, relating to the selling of scrap metal.

HB 491, introduced by Representative Baker (123), relating to state buildings.

HB 492, introduced by Representative Baker (123), relating to vital records.

HB 493, introduced by Representative Baker (123), relating to child support.

HB 494, introduced by Representatives McGhee, Sater, Scharnhorst, Denison, Moore, Robb, Curls, Guest, Schaaf, Schad, Wallace and Sander, relating to utility payments.

HB 495, introduced by Representatives McGhee, Whorton, Sater, Moore, Robb, Wright, Wallace, Sander and Curls, relating to the Missouri state park board.

HB 496, introduced by Representatives McGhee, Sater, Chappelle-Nadal, Sander and Brown (50), relating to the establishment of community health districts.

HB 497, introduced by Representatives Sater, Day, Portwood, Fisher, Robb, Meiners, Hunter, Weter, Whorton, Dougherty, Wood, Wasson, Tilley, Wallace, Wells, Smith (150) and Dixon, relating to physician assistants.

HB 498, introduced by Representatives Robb, Hubbard, Cunningham (86), Hoskins, Jetton, Bearden, Dempsey, Dougherty, Icet, Meiners, Ruestman, Villa, Nieves, Hughes, Cooper (120), Muschany, Hunter, El-Amin, Stevenson, Jones (117), Scharnhorst, Emery, Davis, Schaaf, Cooper (158), Portwood, Nolte, Onder, Schoeller and Cooper (155), relating to educational tax credits.

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WITHDRAWAL OF HOUSE BILLS

January 18, 2007

Mr. D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Adam:

Because of a drafting error, I respectfully request that **House Bill No. 390**, which changes various provisions relating to state officer and state employee retirement, be withdrawn.

Thank you for your consideration of my request.

Sincerely,

/s/ Tom Dempsey

January 18, 2007

Mr. D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Adam:

Because of a drafting error, I respectfully request that **House Bill No. 394**, which allows for the creation of a trust fund for state retiree health care within the Missouri State Employees' Retirement System, be withdrawn.

Thank you for your consideration of my request.

Sincerely,

/s/ Tom Dempsey

January 18, 2007

Mr. D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Adam:

Because of a drafting error, I respectfully request that **House Bill No. 395**, which allows for retirees to receive additional annuities if the retiree is reemployed to any state office and accrues creditable or credited service continuously for at least one year, be withdrawn.

Thank you for your consideration of my request.

Sincerely,

/s/ Tom Dempsey

The following member's presence was noted: Meadows.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 4:00 p.m., Monday, January 22, 2007.

HOUSE CALENDAR

TENTH DAY, MONDAY, JANUARY 22, 2007

HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 13

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 9 and HJR 10

HOUSE BILLS FOR SECOND READING

HB 457 through HB 498