

# JOURNAL OF THE HOUSE

First Regular Session, 94th GENERAL ASSEMBLY

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TWENTY-SECOND DAY, MONDAY, FEBRUARY 12, 2007

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

None can compare to You, O Lord! Your exploits are incomparable! For You are great and do amazing things. You alone are God.

You desire truth in the inner being. Make us, therefore, to know wisdom in our heart and grant us perceptive insight. Teach us the walk of integrity.

Heavenly Father, we endeavor to keep our eyes open for You, watching for Your works; staying alert for signs of Your presence. We take strategic moments to pause and breathe in Your goodness.

We thank You for the abundance of Your mercy showered upon us when we have missed the mark. May Your grace, Your unmerited favor, be sufficient for all that we do for the people of this state.

For it is in the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-first day was approved as corrected.

## HOUSE RESOLUTION

Representative Deeken offered House Resolution No. 565.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 558 through House Resolution No. 564

House Resolution No. 566 through House Resolution No. 579

## HOUSE CONCURRENT RESOLUTION

Representative Kuessner, et al., offered House Concurrent Resolution No. 27.

## SECOND READING OF HOUSE BILLS

**HB 809** through **HB 826** were read the second time.

## PERFECTION OF HOUSE BILL

**HCS HB 39**, relating to disabled employees' medical aid, was taken up by Representative Portwood.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 39, Page 2, Section 208.146, Lines 45-47, by deleting said lines and inserting in lieu thereof the following:

"e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars."

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

Representative Lembke offered **House Amendment No. 2**.

Representative Stevenson raised a point of order that the distribution of **House Amendment No. 2** was not timely.

The Chair ruled the point of order well taken.

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

### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 39, Page 8, Section 208.151, Line 149, by deleting the word "**through**" and inserting in lieu thereof the following:

"**by individuals eligible for**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Stevenson, **House Amendment No. 3** was adopted.

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

### *House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 39, Page, 3, Section 208.146, Line 51, by deleting the words "one-half" and replace with "three-fourths".

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

Which motion was defeated by the following vote:

AYES: 066

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

NOES: 089

Baker 123	Bearden	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cooper 158	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Guest	Hobbs	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: 008

Avery	Bland	Bowman	Brown 30	Casey
Darrough	Dixon	Todd		

Representative Donnelly offered **House Amendment No. 5**.

Representative Jones (89) raised a point of order that **House Amendment No. 5** is not germane to the bill.

Representative Pratt raised an additional point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the second point of order well taken.

Representative Donnelly appealed the ruling of the Chair.

The ruling of the Chair was sustained by the following vote:

AYES: 092

Baker 123	Bearden	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cooper 158	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Guest	Hobbs	Hunter
Ice	Jones 89	Jones 117	Kelly	Kingery
Kraus	Lembke	Lipke	Loehner	Marsh
May	McGhee	Meiners	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
Villa	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 159	Yates
Young	Mr Speaker			

NOES: 062

Aull	Baker 25	Bringer	Brown 50	Burnett
Chappelle-Nadal	Corcoran	Curls	Daus	Donnelly
Dougherty	El-Amin	Fallert	Frame	George
Grill	Harris 23	Harris 110	Haywood	Hodges
Holsman	Hoskins	Hubbard	Hughes	Johnson
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low 39	Lowe 44	McClanahan	Meadows
Nasheed	Norr	Oxford	Page	Quinn 9
Robinson	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Skaggs	Spreng
Storch	Swinger	Talboy	Vogt	Walsh
Walton	Wildberger	Witte	Wright-Jones	Yaeger
Zimmerman	Zweifel			

PRESENT: 001

Whorton

ABSENT WITH LEAVE: 008

Avery	Bland	Bowman	Brown 30	Casey
Darrough	Dixon	Todd		

Representative Skaggs offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 39, Page 3, Section 208.146, Line 56, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

Further amend said bill, Page 3, Section 208.146, Line 59, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

Further amend said bill, Page 3, Section 208.146, Line 62, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

Further amend said bill, Page 3, Section 208.146, Line 65, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

Further amend said bill, Page 3, Section 208.146, Line 68, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

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

Representative Portwood offered **House Substitute Amendment No. 1 for House Amendment No. 6**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 39, Page 3, Section 208.146, Line 56, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

Further amend said bill, Page 3, Section 208.146, Line 59, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**four**”; and

Further amend said bill, Page 3, Section 208.146, Line 62, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**five**”; and

Further amend said bill, Page 3, Section 208.146, Line 65, by deleting the words “**seven and one-half**” and inserting in lieu thereof the following:

“**six**”; and

Further amend said bill, Page 3, Section 208.146, Line 68, by deleting the words “seven and one-half” and inserting in lieu thereof the following:

“seven”; and

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

Representative Skaggs raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 6** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

**HCS HB 39, as amended, with House Substitute Amendment No. 1 for House Amendment No. 6, and House Amendment No. 6, pending,** was laid over.

Representative Wasson assumed the Chair.

### THIRD READING OF HOUSE BILL

**HCS HB 300**, relating to fire protection, was taken up by Representative Bruns.

On motion of Representative Bruns, **HCS HB 300** was read the third time and passed by the following vote:

AYES: 154

Aull	Baker 25	Baker 123	Bearden	Bivins
Brandom	Bringer	Brown 50	Bruns	Burnett
Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	Funderburk
George	Grill	Grisamore	Guest	Harris 23
Harris 110	Haywood	Hobbs	Hodges	Holsman
Hoskins	Hubbard	Hughes	Hunter	Icet
Johnson	Jones 89	Jones 117	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McClanahan	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr
Onder	Oxford	Page	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Quinn 9
Richard	Robb	Robinson	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	St. Onge	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Threlkeld
Tilley	Viebrock	Villa	Vogt	Wallace

Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bland	Bowman	Brown 30	Casey
Darrough	Dixon	Lembke	Todd	

Representative Wasson declared the bill passed.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 352** - Fiscal Review (Fiscal Note)  
**HB 452** - Special Committee on Energy and Environment  
**HB 498** - Special Committee on Urban Education Reform  
**HB 690** - Special Committee on Student Achievement  
**HB 774** - Special Committee on General Laws

### RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

**HB 808** - Special Committee on Urban Education Reform

### COMMITTEE REPORT

**Committee on Conservation and Natural Resources**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 46**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

### INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

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

**HB 16**, introduced by Representative Icet, to appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

## INTRODUCTION OF HOUSE JOINT RESOLUTION

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

**HJR 20**, introduced by Representatives Bearden, Jetton, Icet, Self, Nieves, Dixon, Ruestman, Dempsey, Ervin, Baker (123), Funderburk, McGhee, Davis, Emery, Muschany, Hunter, Cooper (155), Parson, Schad, Jones (117), Pollock, Dougherty, Threlkeld, Scharnhorst, Robb, Day, Loehner, Lembke, Franz, Pratt, Flook, Cooper (120), Hobbs, Quinn (7), Smith (14), Sater, Wood, Brandom and Stevenson, relating to the commonsense obligation to provide accountability and spending stabilization act.

## INTRODUCTION OF HOUSE BILLS

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

**HB 827**, introduced by Representatives Muschany, Corcoran, Robb, Baker (123), Aull, Fares, Franz, Cunningham (86), Stream, Sater, Meiners, Tilley, Brown (50), Kingery, May, Smith (150) and Sutherland, relating to educational needs of children in licensed residential care facilities.

**HB 828**, introduced by Representatives Viebrock, Wood, Funderburk, Whorton and McGhee, relating to residential and commercial septage pumpers.

**HB 829**, introduced by Representative Wasson, relating to real estate appraisers.

**HB 830**, introduced by Representative Wasson, relating to optometry licenses.

**HB 831**, introduced by Representative Wasson, relating to the board of pharmacy.

**HB 832**, introduced by Representative Wasson, relating to the licensing of nursing home administrators.

**HB 833**, introduced by Representative Wasson, relating to the licensing of tattoo practitioners and establishments.

**HB 834**, introduced by Representative Deeken, relating to the costs of special elections.

**HB 835**, introduced by Representative Yates, relating to registration for cosmetology-related professions.

**HB 836**, introduced by Representatives Dougherty, Jetton, McGhee, Bearden, Jones (117), Nieves, Liese, Swinger, LeVota, Ervin, Smith (14), Robinson, Kratky, Burnett and Corcoran, relating to annexation.

**HB 837**, introduced by Representatives Cooper (155) and Stevenson, relating to child visitation.

**HB 838**, introduced by Representatives Jones (117) and Roorda, relating to closed records.



## COMMUNICATION

February 12, 2007

Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65101

Dear Mr. Clerk:

Per RSMo 105.461, I am informing you that on January 18, 2007, I was appointed as a Board Member of Valley Industries, Hazelwood, Missouri. Valley Industries, a sheltered workshop, does receive some funding from the state in a manner similar to other workshops.

Please contact me if you have any questions.

Sincerely,

/s/ Clint Zweifel  
State Representative  
District 78

## ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Tuesday, February 13, 2007.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-first Day, Thursday, February 8, 2007, Page 338, Line 2, by deleting the word "Affairs" and inserting in lieu thereof the word "Issues"; and

Further correct said page, Line 33, by deleting "**HB 289**" and inserting in lieu thereof "**HB 189**".

## COMMITTEE MEETINGS

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 14, 2007, 5:00 p.m. Hearing Room 3.

Review Departments of Agriculture, Natural Resources, and Conservation budgets.  
Possible Executive session.

### APPROPRIATIONS - EDUCATION

Tuesday, February 13, 2007, 8:00 a.m. Hearing Room 3.

Department of Elementary and Secondary Education performance based measures on new or increased decision items continued.

Possible Executive session.

Possible discussion on budget decision items.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 15, 2007, 8:00 a.m. Hearing Room 5.

Department of Mental Health budget presentation.

Committee will reconvene one hour (1) after adjournment in Hearing Room 5 for additional budget review.

**APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Wednesday, February 14, 2007, 8:00 a.m. Hearing Room 3.

Department of Public Safety budget presentation.

Possible Executive session.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 13, 2007, 5:00 p.m. Hearing Room 3.

Public testimony from Monday continued, if necessary.

Budget presentations by Departments of Labor and Industrial Relations, and Economic Development.

Executive session may be included.

**CRIME PREVENTION AND PUBLIC SAFETY**

Tuesday, February 13, 2007, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 240, HB 405, HB 732, HB 551, HB 579, HB 674

**ELECTIONS**

Tuesday, February 13, 2007, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 460, HB 67, HB 166

**HEALTH CARE POLICY**

Tuesday, February 13, 2007, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 203

**HIGHER EDUCATION**

Tuesday, February 13, 2007, 5:00 p.m. Hearing Room 1.

Executive session may follow. AMENDED

Public hearings to be held on: HB 442, HB 613

**INSURANCE POLICY**

Wednesday, February 14, 2007, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 77, HB 261, HB 419, HB 121

**JUDICIARY**

Tuesday, February 13, 2007, 12:00 p.m. Hearing Room 1.

No Executive session.

Public hearings to be held on: HB 220, HB 281, HB 526, HB 527

**LOCAL GOVERNMENT**

Tuesday, February 13, 2007, 8:00 a.m. Hearing Room 6.

Executive session may be held.

Public hearings to be held on: HB 325, HB 184, HB 287, HB 81, HB 93, HB 530

**RULES - PURSUANT TO RULE 25(21)(f)**

Tuesday, February 13, 2007, 8:30 a.m. Hearing Room 2.

Executive session may follow. AMENDED

Public hearings to be held on: HJR 7, HB 262, HB 263, HCS HB 327,

HCS HB 369, HCS HB 636, 308 & 173, HCS HB 40, 116 & 367,

HCS HJR 1, HCS HB 14, HCS HB 189 & 60

**SPECIAL COMMITTEE ON AGRI-BUSINESS**

Tuesday, February 13, 2007, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 343, HB 344, HB 348

**SPECIAL COMMITTEE ON FAMILY SERVICES**

Wednesday, February 14, 2007, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 716

**SPECIAL COMMITTEE ON GENERAL LAWS**

Tuesday, February 13, 2007, 4:30 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 180, HB 215, HB 227

**SPECIAL COMMITTEE ON HEALTHCARE FACILITIES**

Tuesday, February 13, 2007, 5:00 p.m. Hearing Room 6.

Executive session may follow. CANCELLED

Public hearing to be held on: HB 420

**SPECIAL COMMITTEE ON HOMELAND SECURITY**

Wednesday, February 14, 2007, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HB 155, HB 118, HB 619

**SPECIAL COMMITTEE ON JOB CREATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 14, 2007, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 488

**SPECIAL COMMITTEE ON RURAL COMMUNITY DEVELOPMENT**

Tuesday, February 13, 2007, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 74, HB 234

**SPECIAL COMMITTEE ON SMALL BUSINESS**

Wednesday, February 14, 2007, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 365, HB 804, HB 805

**SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT**

Tuesday, February 13, 2007, 4:00 p.m. Senate Committee Room 1.

Missouri Chamber of Commerce presentation on METS and State Scholars.

**SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT**

Wednesday, February 14, 2007, 8:00 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 489, HB 690

**SPECIAL COMMITTEE ON TAX REFORM**

Tuesday, February 13, 2007, 12:00 p.m. Hearing Room 3.

Executive session may follow. AMENDED

Public hearings to be held on: HB 218, HB 675, HJR 8, HCR 9

**SPECIAL COMMITTEE ON TOURISM**

Wednesday, February 14, 2007, 12:00 p.m. Hearing Room 1.

Executive session.

**SPECIAL COMMITTEE ON URBAN ISSUES**

Tuesday, February 13, 2007, 5:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 41

**SPECIAL COMMITTEE ON UTILITIES**

Wednesday, February 14, 2007, 12:00 p.m. Hearing Room 5.

Ice storm response assessment-informational hearing.

NO PUBLIC TESTIMONY.

Committee will reconvene at 3:00 p.m.

**SPECIAL COMMITTEE ON VETERANS**

Tuesday, February 13, 2007, 12:00 p.m. Hearing Room 7.

Executive session. AMENDED

**TRANSPORTATION**

Tuesday, February 13, 2007, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 90

**HOUSE CALENDAR**

TWENTY-THIRD DAY, TUESDAY, FEBRUARY 13, 2007

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 20

**HOUSE BILL FOR SECOND READING - APPROPRIATIONS**

HB 16

**HOUSE BILLS FOR SECOND READING**

HB 827 through HB 838

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 39, as amended, HSA 1 for HA 6, HA 6, pending - Portwood
- 2 HCS HB 444, 217, 225, 239, 243, 297, 402 & 172 - Jetton
- 3 HCS HB 545 & 590 - Tilley

**HOUSE BILL FOR PERFECTION - CONSENT**

(2/12/07)

HB 70 - Day

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 453, (Fiscal Review 2-7-07) - Jetton
- 2 HB 454, (Fiscal Review 2-7-07) - Jetton
- 3 HB 352, (Fiscal Review 2-12-07) - Hobbs