

JOURNAL OF THE HOUSE

First Regular Session, 94th GENERAL ASSEMBLY

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 19, 2007

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, You are gracious and full of compassion, slow to anger and abounding in mercy. You are good to all, and Your tender mercies are over all the work of Your hand.

How wonderful to be near You, O God, to find protection with You, Sovereign LORD and to proclaim all that You have done!

Teach us to use wisely all the time we have in this session. Teach us to enjoy life in spite of the difficult moments. Teach us to have compassion as You have shown us compassion; considering the plight of others as we make decisions that affect us all.

Your advice has been our guide as we seek to do what is right and pleasing in Your sight.

Now may You, the God of hope, fill us with all joy and peace in believing, so that we would abound in hope by the power of Your Spirit.

For it's in the name of Your Son we pray. 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: Janae Robinson, Alan Dockery, Tyler Mutch, Beverly Stevens, Diane Mott, Graham Gardner, Paige Russell and Lauren Sellers.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 652 through House Resolution No. 674

HOUSE CONCURRENT RESOLUTION

Representative Jones (117), et al., offered House Concurrent Resolution No. 32.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 22 was read the second time.

SECOND READING OF HOUSE BILLS

HB 871 through **HB 896** were read the second time.

THIRD READING OF HOUSE BILL

HCS HBs 189 & 60, relating to defensive use of force, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HCS HBs 189 & 60** was read the third time and passed by the following vote:

AYES: 143

Aull	Baker 25	Baker 123	Bearden	Bivins
Bowman	Brandom	Bringer	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cox	Cunningham 145	Cunningham 86
Darrough	Daus	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Frame
Franz	Funderburk	George	Grill	Grisamore
Guest	Harris 23	Harris 110	Haywood	Hobbs
Hodges	Holsman	Hoskins	Hunter	Icet
Jones 89	Jones 117	Kingery	Komo	Kraus
Kuessner	Lampe	Lembke	Liese	Lipke
Loehner	Marsh	May	McClanahan	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Norr	Onder	Page
Parson	Pollock	Portwood	Pratt	Quinn 7
Quinn 9	Richard	Robb	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	Stream	Sutherland
Swinger	Talboy	Thomson	Threlkeld	Tilley
Todd	Viebrock	Villa	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: 004

Low 39	Lowe 44	Nasheed	Vogt
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PRESENT: 002

Curls Oxford

ABSENT WITH LEAVE: 014

Avery	Bland	Brown 30	Flook	Hubbard
Hughes	Johnson	Kelly	Kratky	LeVota
McGhee	Pearce	Robinson	Storch	

Speaker Jetton declared the bill passed.

Representative Stevenson assumed the Chair.

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 14, relating to appropriations, was taken up by Representative Icet.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 14, Page 10, Section 14.230, Line 2, by deleting said line and inserting the following:

"For start-up costs of a joint engineering program with the University of Missouri-Rolla, including but not limited to laboratory development, equipment purchases and laboratory set-up"; and

Further amend said bill, Page 10, Section 14.235, Line 2, by deleting said line and inserting the following:

"For start-up costs on the Rolla campus of a joint engineering program with Missouri State University, including but not limited to distance education facility development, equipment purchases, laboratory development and course development".

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

On motion of Representative Icet, **HCS HB 14, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 14, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 7, relating to the language of official proceedings, was taken up by Representative Nieves.

Representative Chappelle-Nadal offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Joint Resolution No. 7, Section 34, Page 1, Line 2, by inserting the following at the end of said line:

"This section shall not prohibit any governmental agency from providing or distributing materials to persons over the age of sixty-five in a language other than English."; and

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

Representative Chappelle-Nadal moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 052

Aull	Baker 25	Bland	Bowman	Bringer
Brown 50	Burnett	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	El-Amin
Fallert	Frame	George	Haywood	Holsman
Hoskins	Komo	Kuessner	Lampe	Liese
Low 39	Lowe 44	Meadows	Meiners	Nasheed
Oxford	Roorda	Rucker	Salva	Schieffer
Schoemehl	Skaggs	Spreng	Swinger	Talboy
Villa	Vogt	Walsh	Walton	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zimmerman	Zweifel			

NOES: 098

Baker 123	Bearden	Bivins	Brandom	Bruns
Casey	Cooper 120	Cooper 155	Cooper 158	Cox
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Franz	Funderburk	Grill	Grisamore	Guest
Harris 23	Harris 110	Hobbs	Hodges	Hunter
Icet	Jones 89	Jones 117	Kelly	Kingery
Kraus	Lembke	Lipke	Loehner	Marsh
May	McClanahan	Moore	Munzlinger	Muschany
Nance	Nieves	Nolte	Norr	Onder
Page	Parson	Pollock	Portwood	Pratt
Quinn 7	Quinn 9	Richard	Robb	Ruestman
Ruzicka	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schlottach	Schneider	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Thomson	Threlkeld
Tilley	Todd	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 013

Avery	Brown 30	Flook	Hubbard	Hughes
Johnson	Kratky	LeVota	McGhee	Pearce
Robinson	Sander	Storch		

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

House Amendment No. 2

AMEND House Joint Resolution No. 7, Section 34, Page 1, Line 2, by inserting the following at the end of said line:

"This section shall not prohibit the teaching of foreign languages in public schools."; and

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

Representative Skaggs offered **House Amendment No. 1 to House Amendment No. 2.**

Representative Jones (89) raised a point of order that **House Amendment No. 1 to House Amendment No. 2** goes beyond the scope of the underlying amendment.

Representative Stevenson requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

HJR 7, with House Amendment No. 2, pending, was laid over.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HBs 444, 217, 225, 239, 243, 297, 402 & 172 - Fiscal Review (Fiscal Note)

RE-REFERRAL OF HOUSE BILL

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

HB 103 - Local Government

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Cunningham (86) reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 264**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 265**, begs leave to report it has examined the same and recommends that it **Do Pass - Federal Mandate**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 267**, begs leave to report it has examined the same and recommends that it **Do Pass - Federal Mandate**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Special Committee on Rural Community Development, Chairman Wilson (119) reporting:

Mr. Speaker: Your Special Committee on Rural Community Development, to which was referred **HB 74**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(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 897, introduced by Representatives Harris (110), Harris (23), Baker (25), Rucker, Wildberger, Fallert, Shively and Hodges, relating to health rules for counties.

HB 898, introduced by Representative Bringer, relating to background checks for teachers.

HB 899, introduced by Representatives Wilson (119), Wilson (130), Wells, Wood, Fisher, Franz, Schad, Whorton and McGhee, relating to county treasurers.

HB 900, introduced by Representatives Kuessner, Harris (110), Meadows, Wildberger, Swinger, Oxford, Roorda, Whorton and Young, relating to medical malpractice insurance.

HB 901, introduced by Representative Sutherland, relating to the large carnivore act.

HB 902, introduced by Representative Stevenson, relating to merchandising practices.

HB 903, introduced by Representative Stevenson, relating to product seller liability.

HB 904, introduced by Representative Stevenson, relating to merchandising practices.

HB 905, introduced by Representative Stevenson, relating to the regulation and licensing of the practice of naturopathic medicine.

HB 906, introduced by Representatives Cooper (120), Bearden and Dempsey, relating to the mixing of motor fuels.

HB 907, introduced by Representative Aull, relating to school funding.

HB 908, introduced by Representatives Wasson and Parson, relating to the tobacco master settlement agreement.

HB 909, introduced by Representatives Harris (23), Meadows, Harris (110), Fallert, Lampe, Wildberger, Lowe (44) and Holsman, relating to concentrated animal feeding operations.

HB 910, introduced by Representatives Fares, Pearce, Villa, Bivins, May, Marsh, Scharnhorst, Wallace, Kingery, Schlottach, Quinn (7), Day, Wasson, Walton, Jones (117) and Sutherland, relating to the official state mushroom.

HB 911, introduced by Representatives Rucker, Sater, Wildberger, Kuessner, Aull, Bland and Hoskins, relating to elections in villages.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Tim Meadows is no longer a member of the Special Committee on Rural Community Development.

Representative Luke Scavuzzo has been appointed a member of the Special Committee on Rural Community Development.

The following member's presence was noted: McGhee.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Tuesday, February 20, 2007.

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 21, 2007, 5:00 p.m. Hearing Room 3.

Review Departments of Agriculture, Conservation, and Natural Resources budgets.

Possible Executive session.

APPROPRIATIONS - EDUCATION

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 3.

Performance based measures related to Higher Education continued if necessary.

Possible discussion on budget decision items.

Possible Executive session.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 21, 2007, 12:00 p.m. Hearing Room 3.

Office of Administration, State wide real estate, Department of Revenue,

Office of Public Defender, and Judiciary.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 22, 2007, 8:00 a.m. Hearing Room 5.

Continuation of budget review from Departments of Mental Health, Health and Senior Services, and Social Services.

Committee will reconvene 30 minutes after adjournment and continue until department presentation is completed.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 20, 2007, 5:00 p.m. Hearing Room 3.

Budget presentation Department of Transportation.

Budget recommendations for Departments of Economic Development, Labor and Industrial Relations, Insurance, and Transportation.

Possible Executive session.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 21, 2007, 2:00 p.m. Hearing Room 7.

Department budgets for Economic Development; Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration; and Transportation.

Executive session may be included.

BUDGET

Tuesday, February 20, 2007, Hearing Room 3 upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 16

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 21, 2007, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 811, HJR 9, HCR 21

CORRECTIONS AND PUBLIC INSTITUTIONS

Tuesday, February 20, 2007, 5:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 338, HB 268, HB 495, HB 62, HB 467

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 20, 2007, 12:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 42, HB 331, HB 333, HB 113

ELECTIONS

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 57, HJR 18, HJR 4, HJR 5

HEALTH CARE POLICY

Tuesday, February 20, 2007, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 554, HB 555, HB 182

INSURANCE POLICY

Wednesday, February 21, 2007, 12:30 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 121, HB 790, HB 407

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Wednesday, February 21, 2007, Senate Lounge upon afternoon adjournment.

Upon afternoon adjournment of both Houses hearing will begin.

Should either House continue after 8:00 p.m., hearing will be held

on February 22, 2007, at 8:00 a.m. in Senate Committee Room 2. 11 CSR 45-12.080

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Monday, February 26, 2007, 11:00 a.m. Hearing Room 3.

Specialty plates, MO Hospice organization, Arkansas Alumni Association,
Highway naming, Reimbursement.

JUDICIARY

Tuesday, February 20, 2007, 12:00 p.m. Hearing Room 1.

Executive session will follow.

Public hearings to be held on: HB 122, HB 197, HB 431

LOCAL GOVERNMENT

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 6.

Executive session may follow

Public hearings to be held on: HB 199, HB 251, HB 271, HB 278, HB 296, HB 303

RULES

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HCR 25, HR 65, HJR 21

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

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HCS HB 272, HB 69, HB 351, HB 576, HB 344,
HB 319, HCS HB 620, HB 808, HCS HB 346, HCS HB 221, HB 488, HB 625

SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT

Tuesday, February 20, 2007, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearing to be held on: HB 347

SPECIAL COMMITTEE ON GENERAL LAWS

Wednesday, February 21, 2007, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 396, HB 774, HB 699

SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 665, HB 361, HB 125, HB 312, HB 614, HB 255

SPECIAL COMMITTEE ON HEALTHCARE FACILITIES

Tuesday, February 20, 2007, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 508, HB 432

SPECIAL COMMITTEE ON HEALTHCARE FACILITIES

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

Executive session may follow.

Public hearing to be held on: HB 420

SPECIAL COMMITTEE ON HOMELAND SECURITY

Wednesday, February 21, 2007, 12:00 p.m. Hearing Room 1.

Executive session will follow.

Public hearing to be held on: HB 482

SPECIAL COMMITTEE ON JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, February 21, 2007, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HCR 17, HB 448

SPECIAL COMMITTEE ON STATE PARKS AND WATERWAYS

Thursday, February 22, 2007, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 354, HB 752

SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT

Wednesday, February 21, 2007, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 827

SPECIAL COMMITTEE ON TOURISM

Thursday, February 22, 2007, 9:00 a.m. House Lounge.

Tourism Commission annual report.

Joint meeting with the Senate and House Tourism Committees and Tourism Commission.

Executive session may or may not follow.

SPECIAL COMMITTEE ON VETERANS

Tuesday, February 20, 2007, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 608, HCR 28

TRANSPORTATION

Tuesday, February 20, 2007, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 110

HOUSE CALENDAR

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 20, 2007

HOUSE BILLS FOR SECOND READING

HB 897 through HB 911

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 1 - Cunningham (86)
- 2 HJR 7, HA 2, pending - Nieves

HOUSE BILLS FOR PERFECTION

- 1 HB 262 - Nieves
- 2 HB 263 - Nieves
- 3 HCS HB 327 - Richard
- 4 HCS HB 369 - Fisher
- 5 HCS HB 636, 308 & 173 - Kraus
- 6 HCS HB 40, 116 & 367 - Portwood
- 7 HB 269 - Nolte
- 8 HB 46 - Viebrock

HOUSE BILL FOR PERFECTION - CONSENT

(2/19/07)

HB 205 - Marsh

HOUSE BILL FOR THIRD READING - APPROPRIATIONS

HCS HB 14 - Icet

HOUSE BILL FOR THIRD READING

HCS HB 444, 217, 225, 239, 243, 297, 402 & 172, (Fiscal Review 2-19-07) - Jetton

HOUSE BILL FOR THIRD READING - CONSENT

HB 70 - Day

HOUSE CONCURRENT RESOLUTION

HCR 15, (2-15-07, Page 396) - Threlkeld