

JOURNAL OF THE HOUSE

First Regular Session, 94th GENERAL ASSEMBLY

SIXTY-FOURTH DAY, THURSDAY, APRIL 26, 2007

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Msgr. Donald W. Lammers.

In view of the decisions being made in our Nation's Capitol about the war in Iraq.

Let us pray.

God our Father, all earthly powers must serve You. Look upon our President and the members of Congress, and help them fulfill their responsibilities worthily and well. Fill them with the spirit of Your wisdom. May they always act in accordance with Your will, and may their decisions be for the peace and well-being of all people.

May these same blessings come upon us that we serve You worthily through our service of the people of this State.

We pray to You in our need always, for You are 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: Kael Rademan, Erica Chitwood, Kendall Loyd, Julia Dowd, Michael Steele, Katie Chudy, David Winstein-Hibbs, Cody Pinkner, Maddy Zuke, Mavis Coffman, Luke Downham, Bailey Chadduck, Andrea Robin, David Vence, Tyler Lewis, Blake Buchanan, Jared Samson, Christopher Gates, Ryan Ochs, Adam Harkins, John Paul Harkins, Josh Bailey, Schyler Tate, Chris Littrell, Joe Mazzeffe and Matt McKnight.

The Journal of the sixty-third day was approved as corrected by the following vote:

AYES: 133

Aull	Baker 123	Bearden	Bland	Brandom
Bringer	Brown 50	Burnett	Casey	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Frame
Franz	Funderburk	Grill	Grisamore	Guest
Harris 110	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Icet	Jones 89	Jones 117
Kingery	Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	Liese	Lipke	Loehner
Marsh	May	McClanahan	McGhee	Meiners

Moore	Munzlinger	Muschany	Nance	Nasheed
Nieves	Nolte	Norr	Onder	Page
Parson	Pearce	Pollock	Portwood	Quinn 7
Quinn 9	Richard	Robb	Robinson	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	St. Onge	Storch
Stream	Sutherland	Swinger	Thomson	Threlkeld
Tilley	Todd	Viebrock	Villa	Wallace
Walsh	Walton	Wasson	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zimmerman	Zweifel	Mr Speaker		

NOES: 014

Baker 25	Daus	Donnelly	Flook	George
Harris 23	Johnson	LeVota	Low 39	Lowe 44
Oxford	Schieffer	Talboy	Vogt	

PRESENT: 002

Darrough	Spreng
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ABSENT WITH LEAVE: 014

Avery	Bivins	Bowman	Brown 30	Bruns
Haywood	Hunter	Kelly	Meadows	Pratt
Scharnhorst	Schneider	Stevenson	Wells	

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2696 through House Resolution No. 2749

SECOND READING OF SENATE BILL

SS#6 SCS SB 389 was read the second time.

THIRD READING OF SENATE BILL

HCS#2 SB 406, relating to employee benefit plans, was taken up by Representative Wallace.

Representative Cooper (120) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 3, Section 103.085, Line 28, by inserting after said line the following:

"103.080. 1. As used in this section, the following terms shall mean:

(1) "Health savings account" or "account", shall have the same meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended;

(2) "High deductible health plan", a policy or contract of health insurance or health care plan that meets the criteria established in 26 U.S.C. Section 223(c)(2), as amended, and any regulations promulgated thereunder.

2. Beginning with the open enrollment period for the 2008 plan year, the board shall offer to all qualified employees the option of receiving health care coverage through a high deductible health plan and the establishment of a health savings account. In order for a qualified individual to obtain a high deductible health plan through the Missouri consolidated health care plan, such individual shall present evidence, in a manner prescribed by regulation, to the board that he or she has established a health savings account in compliance with 26 U.S.C. Section 223, and any amendments and regulations promulgated thereto.

3. The board is authorized to promulgate rules and regulations for the administration and implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. The board shall issue a request for proposals from insurance carriers interested in offering a high deductible health plan in connection with a health savings account."; and

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

Representative Richard assumed the Chair.

Representative Pearce assumed the Chair.

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

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Line 8, by inserting after the word "**thereunder**" on said line the following:

"**; provided that the deductible is not greater than one thousand dollars**"; and

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

Representative Richard resumed the Chair.

HCS#2 SB 406, with House Amendment No. 1 to House Amendment No. 1, and House Amendment No. 1, pending, was laid over.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 1, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HB 1** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 2, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 3** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 4, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 4** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

Representative Pearce resumed the Chair.

SCS HCS HB 5, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 5** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 6, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 6** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 5 - Special Committee on Veterans

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS SB 156 - Fiscal Review (Fiscal Note)

SCS SB 418 - Fiscal Review (Fiscal Note)

SS SB 40 - Special Committee on Utilities

SCS SB 75 - Special Committee on Veterans

SS#2 SCS SB 204 - Special Committee on Agri-Business

SCS SB 226 - Transportation

SCS SB 235 - Special Committee on State Parks and Waterways

SS SB 358 - Transportation
SCS SB 368 - Judiciary
SS#6 SCS SB 389 - Higher Education
SS SCS SB 496 - Health Care Policy
SB 559 - Local Government
SS SB 654 - Special Committee on Urban Issues
SCS SB 664 - Special Committee on Professional Registration and Licensing
SS SCS SB 668 - Special Committee on Health Insurance

COMMITTEE REPORTS

Committee on Health Care Policy, Chairman Cooper (155) reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 4**, 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.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 333**, 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.

Special Committee on Energy and Environment, Chairman Bivins reporting:

Mr. Speaker: Your Special Committee on Energy and Environment, to which was referred **SCS SB 328**, 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.

Special Committee on Urban Education Reform, Chairman Hoskins reporting:

Mr. Speaker: Your Special Committee on Urban Education Reform, to which was referred **HB 1272**, 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.

Committee on Ways and Means, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 86**, 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.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SBs 199 & 207**, 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.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 582**, 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.

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SRB 613**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 62**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 268**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 405**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 459**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 732**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 754**.

COMMUNICATION

April 25, 2007

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives

Dear Mr. Crumbliss:

The Committee on Budget has adopted the attached motion under Section 33.282, RSMo, and request that it be printed in the Journal of the House.

Sincerely,

/s/ Allen Icet
State Representative
District 84

MOTION OF APPROVAL PURSUANT TO SECTION 33.282, RSMo.

Having reviewed the estimates of new tax credits for Fiscal Year 2008 submitted to the Chairman of the House Budget Committee by the Budget Director to Section 33.282, RSMo, the Committee on Budget, under the authority of Section 33.282, hereby approves those estimated new tax credits for any tax year beginning after July 1, 2007 and before June 30, 2008, and directs the Chairman of the Committee to report adoption of this Motion to the Chief Clerk of the House and request that the Motion be printed in the Journal of the House.

The following members' presence was noted: Hunter and Stevenson.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 2:00 p.m., Monday April 30, 2007.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Sixty-third Day, Wednesday, April 25, 2007, Page 1351, Line 15, by deleting the numeral "\$78,624" and inserting in lieu thereof the numeral "\$88,624".

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, May 1, 2007, 8:00 a.m. Hearing Room 3.

Review of Department of Natural Resources performance measures.

CONFERENCE COMMITTEE NOTICE

Tuesday, May 1, 2007, Hearing Room 3 upon afternoon recess or 12:00 p.m. AMENDED

Public hearing to be held on: SS SCS HCS HB 327

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, May 1, 2007, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: SS SCS SB 429

HEALTH CARE POLICY

Tuesday, May 1, 2007, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: SS SCS SB 85, SCS SB 530

JUDICIARY

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

Executive session may follow.

Public hearings to be held on: SCS SB 368, SB 516

LOCAL GOVERNMENT

Tuesday, May 1, 2007, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 701, SB 130, SCS SB 299, SB 334, SB 345, SB 510, SS SCS SB 21

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

Monday, April 30, 2007, Hearing Room 5 upon evening adjournment.

Executive session may follow.

Public hearings to be held on: HCS HCR 45, HCR 44, HJR 11, HCS HB 1272, HCS HB 869, HB 1052, HCS SS SCS SB 22, HCS SS SCS SBs 255, 249 & 279, HCS SB 325, HCS SCS SB 54, HCS SCS SB 369 & SB 550, HCS SCS SB 497, SS SB 417, HCS SB 315, HCS SB 419, SB 171, SCS SB 309, SB 433, SB 162, SCS SB 4, SCS SB 137, HCS SCS SB 86, HCS SB 582

SPECIAL COMMITTEE ON AGRI-BUSINESS

Tuesday, May 1, 2007, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: SS#2 SCS SB 204

SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT

Tuesday, May 1, 2007, 1:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 968

TRANSPORTATION

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

Executive session may follow.

Public hearings to be held on: SS SB 358, SCS SB 226

HOUSE CALENDAR

SIXTY-FIFTH DAY, MONDAY, APRIL 30, 2007

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 21 - Cooper (120)
- 2 HCS HJR 9 - Dethrow
- 3 HJR 6 - Bruns
- 4 HCS HJR 20 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 90, HA 1, pending - St. Onge
- 2 HCS HB 889 - Emery
- 3 HCS HB 111, as amended, HA 2, pending - Cunningham (145)
- 4 HCS HB 466 - Schaaf
- 5 HCS HB 771 - Bearden
- 6 HCS HBs 180, 396 & 615 - Day
- 7 HCS HB 238 - Yates
- 8 HB 360, HSA 1 for HA 1, HA 1, pending - Robb
- 9 HCS HB 788 - Cooper (155)
- 10 HCS HB 218 - Stevenson
- 11 HCS HB 811 - Schad
- 12 HB 412 - Emery
- 13 HB 432 - Schaaf
- 14 HCS HB 699 - Tilley
- 15 HCS HB 768 - St. Onge
- 16 HCS HB 122 - Nance
- 17 HCS HB 487 - Cooper (120)
- 18 HCS HB 493 - Baker (123)
- 19 HCS HB 512 - Pratt
- 20 HCS HB 261, as amended - Yates
- 21 HB 746 - Franz
- 22 HB 882 - Page
- 23 HCS HB 1002 - Fisher
- 24 HCS HB 124 - Nance
- 25 HCS HB 765, HA 1, pending - Dempsey
- 26 HCS HBs 807 & 690 - Baker (123)
- 27 HCS HB 121 - Nance
- 28 HB 249 - Moore
- 29 HCS HB 252 - Robb
- 30 HCS HB 417 - Cunningham (86)
- 31 HCS HB 478 - Dethrow

32 HCS HB 490 - Baker (123)
33 HCS HB 508 - Schaaf
34 HCS HB 709 - Dethrow
35 HB 821 - Onder
36 HCS HB 995 - Hobbs
37 HCS#2 HB 85 - Kraus
38 HCS HB 399 - Walton
39 HCS HB 624 - Wilson (119)
40 HCS#2 HB 752 - Sutherland
41 HCS HB 1000 - Storch
42 HCS HB 1044 - Deeken
43 HCS HB 244 - Wells
44 HCS HB 587 - Tilley
45 HCS HB 628 - Loehner
46 HCS HB 629 - Hunter
47 HCS HB 872 - Cooper (158)
48 HCS HB 913 - Cooper (120)
49 HB 932 - Grill
50 HCS HB 1089 - Stevenson
51 HCS HB 347 - Munzlinger
52 HB 439 - Hunter
53 HCS HB 630 - Schlottach
54 HB 646 - Young
55 HCS HB 919 - Schneider
56 HCS HB 944 - Cooper (120)
57 HCS HB 1264 - Page
58 HB 758 - Brown (50)
59 HCS HB 425 - Pearce
60 HCS HB 429 - Jones (117)
61 HCS HB 716 - Davis
62 HCS HB 95 - Sater
63 HB 479 - Darrough
64 HB 733 - Page
65 HCS HB 769 - Bruns
66 HCS HB 802 - Page
67 HB 1155 - Wright-Jones
68 HCS HB 442 - Kingery
69 HB 727 - Portwood
70 HB 888 - Grisamore
71 HCS HB 923 - Kratky
72 HB 1251 - Komo
73 HCS HB 331 - Lipke
74 HCS#2 HB 735 - Cooper (158)
75 HCS HB 833 - Wasson
76 HB 1104 - Hughes

HOUSE BILL FOR PERFECTION - INFORMAL

HB 61 - Ruestman

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 49, (4-23-07, Pages 1277-1278) - Portwood

HOUSE BILL FOR THIRD READING

HCS HBs 365, 804 & 805, (Fiscal Review 4-03-07) - Ervin

HOUSE BILL FOR THIRD READING - CONSENT

HB 910 - Fares

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 28, (2-27-07, Pages 438-439) - Walton
- 2 HCS HCR 21, (3-29-07, Pages 852-853) - Dethrow
- 3 HCR 33, (3-30-07, Pages 872-873) - Guest
- 4 HCR 43, (4-12-07, Pages 1081-1082) - Page
- 5 HCS HCR 26, (3-14-07, Pages 686-688) - El-Amin
- 6 HCR 54, (4-18-07, Pages 1202-1203) - Sutherland
- 7 HCR 38, (4-19-07, Page 1248) - Wright

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SCS SB 272 - Wasson
- 2 SB 407 - Deeken
- 3 HCS SB 322 - Cooper (158)
- 4 HCS SB 166 - Wood
- 5 SB 172 - Flook
- 6 HCS SB 270 - Jones (117)
- 7 HCS SCS SB 288, SB 152 & SCS SB 115, E.C. - Robinson
- 8 SB 298 - Schaaf
- 9 SCS SB 397 - Schaaf
- 10 HCS SB 127 - Schlottach

SENATE BILLS FOR THIRD READING

- 1 HCS#2 SB 406, HA 1 to HA 1, HA 1, pending - Wallace
- 2 HCS SB 416 - Pratt
- 3 SCS SB 302 - Pratt
- 4 HCS SB 25, as amended, HA 2*, pending - Franz
- 5 SCS SB 46 - Grisamore
- 6 HCS SB 84 - Franz
- 7 SCS SB 91 - St. Onge
- 8 SB 135 - Kingery
- 9 HCS SCS SB 232 - Cooper (158)
- 10 HCS SCS SB 384, E.C. - Daus
- 11 HCS SCS SB 520 - Hunter
- 12 SB 352 - Ruzicka
- 13 HCS SCS SBs 62 & 41 - Ruestman
- 14 HCS SCS SB 82, (Fiscal Review 4-24-07) - Tilley (90 minute debate on Third Reading)
- 15 HCS SB 593 & SCS SB 594 - May
- 16 SB 648 - Kelly
- 17 HCS SB 666 - Grill
- 18 HCS SCS SB 156, (Fiscal Review 4-26-07), E.C. - Quinn (7) (90 minute debate on Third Reading)

- 19 HCS SS SCS SB 320 - Quinn (7)
- 20 SCS SB 418 (Fiscal Review 4-26-07) - Weter
- 21 SB 513 - Wasson

SENATE BILL FOR THIRD READING - REVISION

HCS SRB 613 - Wasson

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS SCS HCS HB 16 - Icet
- 2 SCS HCS HB 7 - Icet
- 3 SCS HCS HB 8 - Icet
- 4 SCS HCS HB 9 - Icet
- 5 SCS HCS HB 10 - Icet
- 6 SCS HCS HB 11, as amended - Icet
- 7 SCS HCS HB 12 - Icet
- 8 SCS HCS HB 13 - Icet

BILLS CARRYING REQUEST MESSAGES

- 1 SCS HB 1, (request Senate recede/grant conference) - Icet
- 2 SCS HCS HB 2, (request Senate recede/grant conference) - Icet
- 3 SCS HCS HB 3, (request Senate recede/grant conference) - Icet
- 4 SCS HCS HB 4, (request Senate recede/grant conference) - Icet
- 5 SCS HCS HB 5, (request Senate recede/grant conference) - Icet
- 6 SCS HCS HB 6, (request Senate recede/grant conference) - Icet

BILLS IN CONFERENCE

- 1 SS SCS HCS HB 327, E.C. - Richard
- 2 HCS SB 376, as amended, E.C. - Wood
- 3 HCS SB 30, as amended - Stevenson
- 4 HCS SCS SB 308, as amended - Wasson
- 5 SB 233, HA 1, HA 2, HA 3, HA 4, HA 5 - Stevenson

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 18, (3-12-07, Page 892) - Deeken
- 2 SCS SCR 5, (3-01-07, Page 529) - Threlkeld

HOUSE RESOLUTION

HR 1678, (4-12-07, Page 1076) - Jones (117)