

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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SIXTY-FIRST DAY, FRIDAY, APRIL 22, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Preston Feeler, Legislative Director, Office of the Speaker.

Father God, today we need Your guidance.  
Teach us to love one another the way You love us.  
Teach us to be content with what You have given us.  
Teach us to use our time wisely.  
Teach us to hear Your voice and to feel Your presence.  
And teach us to walk with You each day. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Tammy Tackett.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2448 - Representative Munzlinger  
House Resolution No. 2449 - Representative Bearden

## SECOND READING OF SENATE BILLS

**SS SCS SB 2, SS SCS SB 144, SB 194, SCS SB 196, SS SB 220, SS SB 348 and SCS SB 481** were read the second time.

## COMMITTEE REPORTS

**Committee on Agriculture Policy**, Chairman Myers reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SB 187**, 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 **SCS SB 355**, 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 Judiciary**, Chairman Byrd reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 123**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 165**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

### **SENATE CONSENT BILLS**

Pursuant to Rule 44, the following bills have remained on the Senate Bills for Third Reading Consent Calendar for five legislative days without any objection, and any committee substitutes and committee amendments are hereby adopted by consent: **SCS SB 6, HCS SB 38, SB 122, SB 162, HCS SB 174, HCS SB 177, HCS SCS SB 182, SB 209, HCS SB 216, SCS SB 227, HCS SCS SB 238, SCS SB 247, SB 265, SB 288, SB 304, HCS SB 308, SB 317, SCS SB 354, SB 357, HCS SB 364, HCS SCS SB 372, SCS SB 374, SB 396, HCS SB 401, SB 418, HCS SB 422, HCS SCS SB 423, HCS SCS SB 450, SCS SB 496, SCS SB 502 and SB 521 with HCA 1.**

The following members' presence was noted: Corcoran, Nolte, Schad, Schoemehl, Smith (14) and Viebrock.

### **ADJOURNMENT**

On motion of Speaker Pro Tem Bearden, the House adjourned until 2:00 p.m., Monday, April 25, 2005.

### **COMMITTEE MEETINGS**

#### **BUDGET**

Tuesday, April 26, 2005, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 18, HB 19

#### **CHILDREN AND FAMILIES**

Tuesday, April 26, 2005, 9:30 a.m. House Chamber side gallery.

Executive session will be held on: HB 970

**CRIME PREVENTION AND PUBLIC SAFETY**

Monday, April 25, 2005, House Chamber side gallery upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SB 254

**FINANCIAL INSTITUTIONS**

Tuesday, April 26, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow. Meeting to convene at 12:30 p.m.

Public hearings to be held on: HB 965, SB 476

**FISCAL REVIEW**

Monday, April 25, 2005, Hearing Room 6 upon afternoon adjournment.

Executive session.

Public hearings to be held on: HCS HB 400, HCS HB 649

**JOB CREATION AND ECONOMIC DEVELOPMENT**

Monday, April 25, 2005, Hearing Room 5 upon evening adjournment.

Executive session only.

**JOINT COMMITTEE ON LEGISLATIVE RESEARCH, OVERSIGHT SUBCOMMITTEE**

Monday, April 25, 2005, 1:30 p.m. Hearing Room 6.

Challenge Fiscal Note: HB 572

**JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Tuesday, April 26, 2005, 8:00 a.m. Hearing Room 7.

Second quarter meeting.

**JUDICIARY**

Tuesday, April 26, 2005, Hearing Room 7 upon morning recess.

Executive Session.

**SPECIAL COMMITTEE ON EDUCATION FUNDING**

Tuesday, April 26, 2005, 8:00 a.m. Hearing Room 5.

Executive session.

**SPECIAL COMMITTEE ON EDUCATION FUNDING**

Tuesday, April 26, 2005, 12:00 p.m. Hearing Room 5.

Executive session.

**SPECIAL COMMITTEE ON EDUCATION FUNDING**

Tuesday, April 26, 2005, 7:00 p.m. Hearing Room 6.

Executive session.

Public hearing to be held on: SS SCS SB 287

**SPECIAL COMMITTEE ON GENERAL LAWS**

Wednesday, April 27, 2005, Hearing Room 7 upon morning recess.

Executive session may follow.

Public hearing to be held on: SCS SB 500

**SPECIAL COMMITTEE ON GENERAL LAWS**

Monday, May 2, 2005, Hearing Room 5 upon afternoon adjournment.

Executive session may follow. AMENDED

Public hearings to be held on: HB 911, SCS SCR 6, SCS SCR 8

**HOUSE CALENDAR**

SIXTY-SECOND DAY, MONDAY, APRIL 25, 2005

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 474 - Yates
- 2 HCS HB 628 - Byrd
- 3 HCS HB 255 - Cunningham (86)
- 4 HCS HB 387 - Byrd
- 5 HB 572 - Stevenson
- 6 HCS HB 560 - Wright (137)
- 7 HCS HB 853 - Loehner
- 8 HB 291, as amended - Cooper (155)
- 9 HCS HB 272 - Pratt
- 10 HCS HB 697 - Lembke
- 11 HB 721 - Flook
- 12 HCS HB 671 - Sutherland
- 13 HCS HB 804 - Smith (118)
- 14 HB 679 - Kraus
- 15 HCS HB 91 - Johnson (47)
- 16 HCS HB 192 - Sander
- 17 HCS HB 665 - Roark (2 hours debate on Perfection)
- 18 HCS HB 742 - Bearden
- 19 HCS HB 854 - Richard
- 20 HCS HB 924 - Wallace
- 21 HCS HB 972 - Jetton
- 22 HB 952 - Icet
- 23 HCS HB 231 - Portwood
- 24 HCS#2 HB 586 - Sander
- 25 HCS HB 591, 210, 377, 760 & 777 - Schlottach
- 26 HB 784 - Meadows
- 27 HB 880 - Hughes

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 639, as amended - Hoskins
- 2 HB 376 - Guest
- 3 HCS HB 519, as amended - Roark (3 hours debate on Perfection)

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HCS HB 500 & 533 - Faith

**HOUSE BILLS FOR THIRD READING**

- 1 HB 375 - Nance
- 2 HCS HB 532, (Fiscal Review 4-19-05) - Spreng
- 3 HCS HB 400, (Fiscal Review 4-20-05) - Yates
- 4 HCS HB 649, (Fiscal Review 4-20-05) - Fares

**HOUSE BILL FOR THIRD READING - CONSENT**

HCS HB 508, E.C. - Pratt

**SENATE CONCURRENT RESOLUTION**

SCR 2, (3-02-05, Pages 470-471) - Sander

**SENATE JOINT RESOLUTION FOR THIRD READING**

SS SJR 1 - Chinn

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 HCS SCS SB 24 - Schlottach
- 2 SCS SB 68 - Yates
- 3 SB 71 - Nieves
- 4 HCS SCS SB 100 - Dixon
- 5 HCS SCS SBs 103 & 115 - Yates
- 6 SB 131 - Yates
- 7 SCS SB 133 - Yates
- 8 SB 149 - Stevenson
- 9 SB 156 - Richard
- 10 SB 178 - Schaaf
- 11 SB 211 - Cooper (120)
- 12 SCS SB 222 - Sutherland

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- 13 HCS SCS SB 246 - Villa
- 14 SB 259 - Baker (123)
- 15 SB 261 - Yates
- 16 SCS SB 266 - Fares
- 17 SCS SB 267 - Jackson
- 18 SB 279 - Wasson
- 19 SCS SB 289 - Tilley
- 20 SB 298 - Wright-Jones
- 21 SB 299 - Wright-Jones
- 22 SCS SB 302 - Cunningham (86)
- 23 SB 306 - Dethrow
- 24 HCS SB 307 - Kuessner
- 25 SB 318 - Cooper (120)
- 26 SB 347 - Cooper (155)
- 27 SB 394 - Pearce
- 28 SCS SB 407 - Lipke
- 29 SB 453 - St. Onge
- 30 SB 480 - Kraus
- 31 HCS SB 490 - Pearce
- 32 SCS SB 501 - Stefanick
- 33 SB 507 - Baker (25)
- 34 SB 516 - Richard
- 35 SB 518 - Cooper (155)
- 36 SCS SB 6 - Lager
- 37 HCS SB 38 - Ruestman
- 38 SB 122 - Wright (137)
- 39 SB 162 - Cooper (155)
- 40 HCS SB 174, E.C. - Bruns
- 41 HCS SB 177 - Behnen
- 42 HCS SCS SB 182 - Rector
- 43 SB 209 - Pearce
- 44 HCS SB 216 - Goodman
- 45 SCS SB 227 - Kuessner
- 46 HCS SCS SB 238 - Faith
- 47 SCS SB 247 - Bruns
- 48 SB 265 - Wood
- 49 SB 288 - Lager
- 50 SB 304 - Ervin
- 51 HCS SB 308 - Pollock
- 52 SB 317 - Smith (118)
- 53 SCS SB 354 - Schlottach
- 54 SB 357 - Johnson (47)
- 55 HCS SB 364, E.C. - Franz

- 56 HCS SCS SB 372 - Kuessner
- 57 SCS SB 374 - Zweifel
- 58 SB 396 - Sutherland
- 59 HCS SB 401 - Lembke
- 60 SB 418 - Lipke
- 61 HCS SB 422 - Yates
- 62 HCS SCS SB 423 - Lipke
- 63 HCS SCS SB 450, E.C. - Portwood
- 64 SCS SB 496 - Kelly
- 65 SCS SB 502, E.C. - Portwood
- 66 SB 521, HCA1 - Cooper (158)

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 270, E.C. - Richard
- 2 HCS SB 21 - Stevenson
- 3 HCS SCS SB 70 - Richard
- 4 SCS SB 73 - Weter
- 5 HCS SCS#2 SB 155 - Kingery
- 6 SCS SB 258 - Baker (123)
- 7 SB 367 - Deeken
- 8 SCS SB 390 - Pratt
- 9 SB 488, HCA 1 - Robinson
- 10 HCS SCS SB 10 & 27, E.C. - Lipke
- 11 SCS SB 170, E.C. - Byrd
- 12 SS SCS SB 179 - Rector
- 13 HCS SB 189, E.C.- Icet
- 14 HCS SCS SB 252, E.C. - Pearce
- 15 SB 280 - Wasson
- 16 SB 286 - Kingery
- 17 SB 323 - Cooper (155)
- 18 SB 479 - May
- 19 SB 526 - Cunningham (145)

(1 hour debate for Third Reading)

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCS HCR 25, (3-10-05, Pages 588-589) - Schlottach
- 2 HCR 23, (4-13-05, Pages 1033-1034) - Sutherland