

JOURNAL OF THE HOUSE

Second Regular Session, 94th GENERAL ASSEMBLY

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 25, 2008

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

Sovereign God, You are unchangeable and inexhaustible, great and mighty, faithful and true. By You we enjoy a place of liberty, comfort, safety and freedom. For this we are most grateful.

Lord God, we seek to set an example first by invoking Your blessing over this great assembly and then by lending ourselves and all at our disposal to be used of You for the betterment of this state and it's people.

Lord God, may You meet our, almost certain, complaints with patience, our frustrations with peace, and our accomplishments with pleasure. But, in spite of it all, we remain thankful.

Now, Lord God, please, if we have found grace in Your sight, guide us clearly along the path You want us to travel, this week, so that we may understand Your plan and live satisfactorily before You.

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: Alana Mary Bernskoetter and Isaac Laseter.

Speaker Pro Tem Pratt assumed the Chair.

The Journal of the twenty-fifth day was approved as corrected by the following vote:

AYES: 128

Aull	Avery	Bivins	Brandom	Bringer
Brown 30	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 120	Cox	Cunningham 145	Cunningham 86
Curls	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dougherty	El-Amin	Emery
Ervin	Faith	Fallert	Fares	Fisher
Flook	Frame	Franz	Funderburk	Grill
Guest	Harris 110	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Icet	Jones 117
Kelly	Kingery	Komo	Kraus	Kuessner
Lampe	Lembke	LeVota	Liese	Lipke
Loehner	Low 39	Lowe 44	Marsh	May
McGhee	Meiners	Moore	Munzlinger	Muschany

Nance	Nasheed	Nieves	Nolte	Norr
Onder	Oxford	Parson	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Storch	Stream	Sutherland	Swinger
Thomson	Threlkeld	Tilley	Todd	Viebrock
Villa	Wallace	Walsh	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Wright-Jones	Yaeger
Young	Zimmerman	Mr Speaker		

NOES: 003

Daus	Talboy	Vogt
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PRESENT: 002

Darrough	George
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ABSENT WITH LEAVE: 025

Baker 25	Baker 123	Bland	Cooper 155	Corcoran
Donnelly	Dusenberg	Grisamore	Harris 23	Hughes
Hunter	Johnson	Jones 89	McClanahan	Meadows
Page	Pearce	Rucker	Scharnhorst	Schneider
Stevenson	St. Onge	Walton	Yates	Zweifel

VACANCIES: 005

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 780 through House Resolution No. 807

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 71 was read the second time.

SECOND READING OF HOUSE BILLS

HB 2222 through **HB 2253** were read the second time.

SECOND READING OF SENATE BILLS

SS SCS SB 718, **SB 762** and **SB 1038** were read the second time.

PERFECTION OF HOUSE BILLS

HB 1970, relating to civil actions against auto dealers, was taken up by Representative Wasson.

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

House Amendment No. 1

AMEND House Bill No. 1970, Page 1, Section 407.1373, Line 9, by inserting at the end of said line the following:

"No provision in this section shall prohibit a person from pursuing against a manufacturer or seller of a new or used automobile any claim not arising under Chapter 407."; and

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

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

On motion of Representative Wasson, **HB 1970, as amended**, was ordered perfected and printed.

HCS HBs 1595 & 1668, relating to a tax credit for storm shelters, was taken up by Representative Swinger.

On motion of Representative Swinger, **HCS HBs 1595 & 1668** was adopted.

On motion of Representative Swinger, **HCS HBs 1595 & 1668** was ordered perfected and printed.

THIRD READING OF HOUSE BILLS - CONSENT

HCS HB 1774, relating to the public school retirement system, was taken up by Representative Wallace.

On motion of Representative Wallace, **HCS HB 1774** was read the third time and passed by the following vote:

AYES: 142

Aull	Avery	Bivins	Brandom	Bringer
Brown 30	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 110	Haywood	Hobbs
Hodges	Holsman	Hoskins	Hubbard	Hunter
Icet	Johnson	Jones 89	Jones 117	Kelly
Kingery	Komo	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May	McClanahan
McGhee	Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr
Onder	Oxford	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard

Robb	Robinson	Roorda	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
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	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Baker 25	Baker 123	Bland	Corcoran	Donnelly
Harris 23	Hughes	Meadows	Page	Rucker
Scharnhorst	Schlottach	Schneider	St. Onge	Threlkeld
Zweifel				

VACANCIES: 005

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 136

Avery	Bivins	Brandom	Bringer	Brown 30
Brown 50	Bruns	Burnett	Casey	Chappelle-Nadal
Cooper 120	Cooper 155	Cox	Cunningham 145	Cunningham 86
Darrough	Daus	Davis	Day	Deeken
Denison	Dethrow	Dixon	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz
Funderburk	George	Grill	Grisamore	Harris 110
Haywood	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hunter	Ice	Johnson	Jones 89
Jones 117	Kelly	Kingery	Komo	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Marsh	May
McClanahan	McGhee	Meiners	Moore	Munzlinger
Muschany	Nance	Nasheed	Nieves	Nolte
Norr	Onder	Oxford	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Quinn 9
Richard	Robb	Robinson	Roorda	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Storch	Stream
Sutherland	Talboy	Thomson	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood

Wright 159 Wright-Jones Yaeger Yates Zimmerman
Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 022

Aull Baker 25 Baker 123 Bland Corcoran
Curls Donnelly Guest Harris 23 Hughes
Lowe 44 Meadows Page Rucker Scharnhorst
Schlottach Schneider St. Onge Swinger Threlkeld
Young Zweifel

VACANCIES: 005

HB 1406, relating to a drunk driving memorial sign program, was taken up by Representative Deeken.

On motion of Representative Deeken, **HB 1406** was read the third time and passed by the following vote:

AYES: 082

Bivins Brandom Brown 30 Bruns Cooper 120
Cooper 155 Cox Cunningham 145 Cunningham 86 Daus
Day Deeken Denison Dethrow Dixon
El-Amin Ervin Faith Fallert Fisher
Flook Franz Funderburk Grisamore Guest
Hobbs Hoskins Hunter Icet Jones 89
Jones 117 Kelly Kingery Kraus Lembke
Lipke Loehner Marsh May McGhee
Moore Munzlinger Muschany Nance Nasheed
Nieves Nolte Onder Parson Pearce
Pollock Portwood Pratt Quinn 7 Richard
Ruestman Ruzicka Salva Sater Schaaf
Schad Schlottach Schoeller Self Silvey
Smith 14 Smith 150 Stream Sutherland Thomson
Tilley Viebrock Wallace Walton Wasson
Wells Weter Wilson 119 Wilson 130 Wood
Wright 159 Mr Speaker

NOES: 051

Aull Bringer Brown 50 Burnett Casey
Chappelle-Nadal Curls Davis Dougherty Emery
Fares Frame George Grill Harris 110
Haywood Hodges Holzman Hubbard Johnson
Komo Kuessner Lampe LeVota Liese
Lowe 44 McClanahan Meiners Norr Oxford
Quinn 9 Robinson Roorda Scavuzzo Schoemehl
Shively Skaggs Stevenson Storch Swinger
Talboy Todd Villa Vogt Walsh

Wildberger Zimmerman	Witte	Wright-Jones	Yaeger	Young
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PRESENT: 004

Darrough	Schieffer	Spreng	Whorton
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ABSENT WITH LEAVE: 021

Avery	Baker 25	Baker 123	Bland	Corcoran
Donnelly	Dusenberg	Harris 23	Hughes	Low 39
Meadows	Page	Robb	Rucker	Sander
Scharnhorst	Schneider	St. Onge	Threlkeld	Yates
Zweifel				

VACANCIES: 005

Speaker Pro Tem Pratt declared the bill passed.

HB 1310, relating to elections for independent candidates, was taken up by Representative Hoskins.

On motion of Representative Hoskins, **HB 1310** was read the third time and passed by the following vote:

AYES: 096

Bivins	Brandom	Brown 30	Brown 50	Bruns
Burnett	Cooper 155	Cox	Cunningham 145	Cunningham 86
Curls	Darrough	Davis	Day	Deeken
Denison	Dethrow	Dixon	Dougherty	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Funderburk	George	Grisamore	Guest	Hobbs
Hoskins	Hubbard	Hunter	Ice	Johnson
Jones 89	Jones 117	Kelly	Kingery	Lampe
Lembke	LeVota	Lipke	Loehner	Lowe 44
Marsh	May	McGhee	Meiners	Moore
Munzlinger	Muschany	Nance	Nieves	Nolte
Onder	Parson	Pearce	Portwood	Pratt
Quinn 7	Richard	Robinson	Ruestman	Ruzicka
Salva	Sater	Schaaf	Schad	Schlottach
Schoeller	Schoemehl	Self	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Stream	Swinger
Thomson	Tilley	Villa	Wallace	Walsh
Walton	Wasson	Wells	Weter	Wildberger
Wilson 119	Wood	Wright 159	Wright-Jones	Young
Mr Speaker				

NOES: 040

Aull	Bringer	Casey	Chappelle-Nadal	Daus
Dusenberg	Fallert	Flook	Frame	Franz
Grill	Harris 110	Haywood	Hodges	Holsman
Komo	Kraus	Kuessner	McClanahan	Nasheed
Norr	Oxford	Pollock	Quinn 9	Roorda
Scavuzzo	Schieffer	Shively	Storch	Sutherland

Talboy	Todd	Viebrock	Vogt	Whorton
Wilson 130	Witte	Yaeger	Yates	Zimmerman

PRESENT: 002

Liese Spreng

ABSENT WITH LEAVE: 020

Avery	Baker 25	Baker 123	Bland	Cooper 120
Corcoran	Donnelly	Harris 23	Hughes	Low 39
Meadows	Page	Robb	Rucker	Sander
Scharnhorst	Schneider	St. Onge	Threlkeld	Zweifel

VACANCIES: 005

Speaker Pro Tem Pratt declared the bill passed.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 2051 - Corrections and Public Institutions

RE-REFERRAL OF HOUSE BILL

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

HB 2117 - Special Committee on Urban Issues

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 1722**, 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 Elementary and Secondary Education, to which was referred **HB 1876** and **HB 1877**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1550**, 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 Health Insurance, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Committee on Health Insurance, to which was referred **HB 1341**, 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 2254, introduced by Representatives Quinn (7), Pratt, Schoeller, Icet, Hunter, Loehner, Sander, Richard, Hobbs, Viebrock, Fisher, Munzlinger, McGhee, Ruestman, Jones (117), Lembke, May, Kingery, Bivins, Smith (14), Grisamore and Wallace, relating to conservation commission advisory board.

HB 2255, introduced by Representatives Guest, Franz, Emery, Thomson and Vogt, relating to the work for restitution program.

HB 2256, introduced by Representatives Schaaf and Dougherty, relating to medical malpractice insurance.

HB 2257, introduced by Representatives Bruns and Wildberger, relating to reduced ignition propensity cigarettes.

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

February 25, 2008

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
94th GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **House Bill No. 2019** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the University of Missouri, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

On February 25, 2008, Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission approved said **House Bill No. 2019**.

Respectfully submitted,

/s/ Matt Blunt
Governor

The following member's presence was noted: Meadows.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, February 26, 2008.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Jane Cunningham, District 86, hereby state and affirm that my vote as recorded on Page 302 of the House Journal for February 21, 2008 was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 25th day of February 2008.

/s/ Jane Cunningham (86)
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 25th day of February in the year 2008.

/s/ Carrie Young
Notary Public

COMMITTEE MEETINGS

BUDGET

Tuesday, February 26, 2008, 8:00 a.m. Hearing Room 3.
Appropriation committee reports.
Executive session may follow.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 26, 2008, 12:00 p.m. Hearing Room 6.
Executive session may follow.
Public hearings to be held on: HB 1488, HB 1567, HB 1571

HEALTH CARE POLICY

Tuesday, February 26, 2008, 12:00 p.m. Hearing Room 5.
Executive session may follow.
Public hearings to be held on: HB 1790, HB 1546, HB 1472

HIGHER EDUCATION

Tuesday, February 26, 2008, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1912, HB 1479

INTERIM COMMITTEE ON THE SECOND INJURY FUND

Wednesday, February 27, 2008, 1:00 p.m. Hearing Room 7.

Second Injury Fund information meeting for self-insured employers and group trusts.

JUDICIARY

Tuesday, February 26, 2008, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1725, HB 1778, HB 1991, HJR 61

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

Tuesday, February 26, 2008, 2:30 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearings to be held on: HCR 8, HCR 19, HCR 23, HB 1368,

HB 1689, HB 2055, HCS HB 2056, HB 1886, HCS HB 2058, HCS HB 2041

SPECIAL COMMITTEE ON AGRI-BUSINESS

Tuesday, February 26, 2008, 9:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1956

SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT

Tuesday, February 26, 2008, 2:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 1499, HB 2135

SPECIAL COMMITTEE ON FAMILY SERVICES

Wednesday, February 27, 2008, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1611, HB 1989, HB 1946, HB 1949

SPECIAL COMMITTEE ON GENERAL LAWS

Tuesday, February 26, 2008, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HJR 49, HJR 52, HJR 66

SPECIAL COMMITTEE ON HEALTHCARE TRANSFORMATION

Wednesday, February 27, 2008, 12:00 p.m. Hearing Room 1.

The committee will study all aspects of healthcare and how they relate to the problem of the uninsured in Missouri.

Executive session may follow.

SPECIAL COMMITTEE ON JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, February 27, 2008, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1836, HB 1981

SPECIAL COMMITTEE ON RURAL COMMUNITY DEVELOPMENT

Tuesday, February 26, 2008, 8:00 a.m. Hearing Room 7.

Executive session may follow. CANCELLED

SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT

Wednesday, February 27, 2008, 9:00 a.m. Hearing Room 6.

Executive session.

SPECIAL COMMITTEE ON TOURISM

Tuesday, March 4, 2008, 9:00 a.m. House Lounge.

Joint Committee on Tourism.

SPECIAL COMMITTEE ON URBAN EDUCATION REFORM

Tuesday, February 26, 2008, 3:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1476, HB 2078, HB 2117

SPECIAL COMMITTEE ON UTILITIES

Wednesday, February 27, 2008, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Informational hearing will continue at Public Service Commission at 1:00pm.

Presentation by Edison Electric. AMENDED

Public hearings to be held on: HB 1963, HB 2147

SPECIAL COMMITTEE ON VETERANS

Tuesday, February 26, 2008, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1788, HB 1882

SPECIAL COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 27, 2008, 12:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 2094, HB 1477, HB 1851

TRANSPORTATION

Tuesday, February 26, 2008, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1937, HB 1977, HJR 67

HOUSE CALENDAR

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 26, 2008

HOUSE BILLS FOR SECOND READING

HB 2254 through HB 2257

HOUSE BILLS FOR PERFECTION

- 1 HB 1371 - Wilson (119)
- 2 HCS HB 1619 - Jones (117)
- 3 HB 1678 - Day
- 4 HCS HB 1763 - Parson
- 5 HCS HB 1779 - Emery
- 6 HB 1911 - Muschany
- 7 HB 1806 - Schaaf
- 8 HCS HB 1314 - Cunningham (86)

HOUSE BILLS FOR PERFECTION - CONSENT

(2/19/08)

- 1 HCS HB 1309 - Day
- 2 HB 1416 - Nance
- 3 HB 1824 - Schlottach

(2/25/08)

- 1 HB 1348 - Portwood
- 2 HB 1384 - Cox
- 3 HB 1410 - Flook
- 4 HB 1490 - Deeken
- 5 HB 1532 - Davis
- 6 HB 1570 - Franz
- 7 HB 1572 - Franz
- 8 HB 1574 - Jones (117)
- 9 HB 1608 - Ervin
- 10 HB 1640 - Schoeller
- 11 HB 1711 - Weter
- 12 HB 1972 - Franz
- 13 HB 1973 - Franz

HOUSE BILL FOR THIRD READING - CONSENT

HB 1450 - Roorda

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HB 2020 - Icet