

# JOURNAL OF THE HOUSE

Second Regular Session, 94th GENERAL ASSEMBLY

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THIRTY-SIXTH DAY, TUESDAY, MARCH 11, 2008

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we thank You for the beginnings of springtime, the cool, fresh air and the sunshine, that keep us alert for the work of the day. We thank You for the beginnings of new life revealed in the early green vegetation.

May our joy at seeing new life around us prepare us to respect profoundly human life and dignity. From this foundation, help us to give our best as we work on issues of direct protection of human life and the issues of poverty, health care, education, and whatever is on our agenda.

You, O God, are the author and creator of life. To You be glory and praise forever. 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: Devin Rogers, Mary Ann Shelten, Aaron Neier, Kirstie Carr, Joseph Belsher II, Caroline McGowan, Lydia Alferman, Derick Waller, Albertina Henry, Becca Hutchison, Katelyn Gibson, Janae Robinson, Sierra Frank, Simeon Frank, Alex Enloe, Hannah Lewenczuk, Whitney McCune, Cathy Manning, Tyler Kroenke and Trevor Kroenke.

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

Representative Nieves assumed the Chair.

## **SPECIAL RECOGNITION**

The family of the late Robert Miget, former Mayor of Perryville, Missouri, was introduced by Representative Tilley and presented a resolution commending his lifetime of public service.

Zach Kinne, 2007-2008 National FFA President, was introduced by Representative Whorton.

Speaker Pro Tem Pratt resumed the Chair.

Sam Houston was introduced by Representative Flook and recognized as an Outstanding Missourian.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 985 through House Resolution No. 997

## **HOUSE CONCURRENT RESOLUTIONS**

Representative Quinn (9), et al., offered House Concurrent Resolution No. 33.  
Representative Sutherland offered House Concurrent Resolution No. 34.  
Representative Sutherland offered House Concurrent Resolution No. 35.  
Representative Ervin, et al., offered House Concurrent Resolution No. 36.

## **SECOND READING OF HOUSE BILLS**

**HB 2377** through **HB 2395** were read the second time.

## **SECOND READING OF SENATE BILLS**

**SB 885**, **SB 925** and **SCS SB 1009** were read the second time.

## **PERFECTION OF HOUSE JOINT RESOLUTIONS**

**HCS HJR 41**, relating to state court jurisdiction, was taken up by Representative Cunningham (86).

Representative Smith (14) offered **House Amendment No. 1**.

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

The Chair ruled the point of order well taken.

On motion of Representative Cunningham (86), **HCS HJR 41** was adopted.

On motion of Representative Cunningham (86), **HCS HJR 41** was ordered perfected and printed.

**HCS HJR 43**, relating to real property tax revenue limitation, was taken up by Representative Portwood.

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

House Amendment No. 1

AMEND House Committee Substitute for House Joint Resolution No. 43, Page 1, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"That at the next primary election to be held in the state of Missouri, on Tuesday next following the first Monday in August, 2008, there is hereby submitted to the qualified voters of this state, for"; and

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

Representative Skaggs moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Portwood, **HCS HJR 43** was adopted.

On motion of Representative Portwood, **HCS HJR 43** was ordered perfected and printed.

**PERFECTION OF HOUSE BILL**

**HB 1773**, relating to an exemption for stillborn children, was taken up by Representative Funderburk.

Representative Nieves resumed the Chair.

**HB 1773** was laid over.

**THIRD READING OF HOUSE BILL - CONSENT**

**HB 1711**, relating to emergency services board, was taken up by Representative Weter.

On motion of Representative Weter, **HB 1711** was read the third time and passed by the following vote:

AYES: 151

Aull	Avery	Baker 25	Baker 123	Bivins
Bland	Brandom	Brown 30	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Corcoran	Cox	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day	Deeken
Denison	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fallert	Fares	Fisher	Flook	Franz
Funderburk	George	Grill	Grisamore	Guest
Harris 110	Haywood	Hobbs	Hodges	Holsman
Hoskins	Hubbard	Hughes	Hunter	Icet
Johnson	Jones 89	Jones 117	Kasten	Kelly
Kingery	Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	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
Parkinson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Richard	Robb	Robinson	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schneider	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	St. Onge	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Threlkeld
Tilley	Todd	Viebrock	Villa	Wallace
Walsh	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Wood	Wright 159
Yaeger	Yates	Young	Zimmerman	Zweifel
Mr Speaker				

NOES: 004

Bringer	Frame	Quinn 9	Witte
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PRESENT: 000

ABSENT WITH LEAVE: 006

Harris 23	Parson	Schlottach	Vogt	Walton
Wright-Jones				

VACANCIES: 002

Representative Nieves declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HB 1326** - Fiscal Review (Fiscal Note)

### **COMMITTEE REPORTS**

**Committee on Corrections and Public Institutions**, Chairman Kelly reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 1372**, 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 Corrections and Public Institutions, to which was referred **HB 2051**, 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.

**Committee on Crime Prevention and Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 2157**, 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 Crime Prevention and Public Safety, to which was referred **HB 2224**, 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.

**Committee on Elections**, Chairman May reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1517**, 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.

**Special Committee on Financial Institutions**, Chairman Cunningham (145) reporting:

Mr. Speaker: Your Special Committee on Financial Institutions, to which was referred **HB 1893**, 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.

**Special Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Committee on General Laws, to which was referred **HJR 49**, 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 Job Creation and Economic Development**, Chairman Richard reporting:

Mr. Speaker: Your Special Committee on Job Creation and Economic Development, to which was referred **HB 1319**, 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.

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

Mr. Speaker: Your Special Committee on Rural Community Development, to which was referred **HB 1883**, 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 Transportation**, Chairman St. Onge reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HCS HB 1423**, 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(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1887**, 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 Transportation, to which was referred **HB 1937**, 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 Transportation, to which was referred **HB 1952**, 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 Transportation, to which was referred **HB 2360**, 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 Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 11**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1345**, begs leave to report it has examined the same and recommends that it **Do Pass NOT CONSENT**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1550**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1611**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1677**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1788 & 1882**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1802**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1807**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1832**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1869**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1881**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 1886**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1942**, begs leave to report it has examined the same and recommends that it **Do Pass NOT CONSENT**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1946**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2104**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2174**, begs leave to report it has examined the same and recommends that it **Do Pass NOT CONSENT**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2204**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2226**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### **ADVANCEMENT OF HOUSE CONSENT BILLS**

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 1358, HB 1422, HB 1469, HB 1805 and HB 1983**.

## INTRODUCTION OF HOUSE BILLS

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

**HB 2396**, introduced by Representative Munzlinger, relating to county road taxes.

**HB 2397**, introduced by Representatives Funderburk, Storch, Brown (50), Loehner, Wood, Weter, Smith (14) and Ruzicka, relating to school construction contracts.

**HB 2398**, introduced by Representative Schaaf, relating to the insure Missouri plan.

**HB 2399**, introduced by Representatives Lembke, Hubbard, Young, Wasson, Avery, Sutherland, Dusenberg, Dougherty and Tilley, relating to occupational safety and health administration training requirements for certain employees.

**HB 2400**, introduced by Representatives Scharnhorst, Tilley, Hunter, Nasheed, Hoskins, Onder, Muschany, Portwood, Icet, Bivins, El-Amin and Ruestman, relating to the powers and duties of the Missouri electrical industry licensing board.

**HB 2401**, introduced by Representatives Sander and Moore, relating to elevator safety.

**HB 2402**, introduced by Representative Kraus, relating to disabled person license plates and placards.

**HB 2403**, introduced by Representatives Kraus, Yates, Sander, Dougherty and Cunningham (86), relating to school board elections.

**HB 2404**, introduced by Representatives Hubbard and El-Amin, relating to the Missouri 4 for more program.

**HB 2405**, introduced by Representative Sutherland, relating to a sales tax holiday for certain digital electronic products.

**HB 2406**, introduced by Representative Deeken, relating to the sale of or distribution of tobacco products by persons under eighteen years of age.

**HB 2407**, introduced by Representative Ervin, relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

The following members' presence was noted: Parson, Schlottach, Vogt and Wright-Jones.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, March 12, 2008.

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, March 13, 2008, 9:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1884

### BUDGET

Wednesday, March 12, 2008, 8:00 a.m. Hearing Room 3.

Executive session may follow. AMENDED

Public hearings to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### CONSERVATION AND NATURAL RESOURCES

Wednesday, March 12, 2008, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 2039, HB 2328, HB 2196

### ELEMENTARY AND SECONDARY EDUCATION

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

Executive session may follow. AMENDED

Public hearings to be held on: HCR 26, HB 1745

### FISCAL REVIEW

Thursday, March 13, 2008, 8:30 a.m. Hearing Room 1.

Any bills presented to this committee.

### HEALTH CARE POLICY

Wednesday, March 12, 2008, House Chamber south gallery upon morning adjournment.

Executive session.

### LOCAL GOVERNMENT

Wednesday, March 12, 2008, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 2045, HB 2047, HB 2353

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

Wednesday, March 12, 2008, 2:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HCS HB 2188, HCS HB 1644, HB 1319, HCS HB 1904, HCS HB 1804, HCS HB 1707, HB 1706, HB 1784, HB 1710, HB 1995, HB 1864, HB 1617, HB 1791, HCS HB 1723, HCS HB 1910, HCS HB 2147, HCS HB 1546, HCS HB 1355, HCS HB 1809 & 2173, HCS HB 2064, HCS HB 1888, HCS HB 2360, HCS HB 1893, HCS HB 1883

**SPECIAL COMMITTEE ON AGRI-BUSINESS**

Wednesday, March 12, 2008, House Chamber south gallery upon morning adjournment.  
Executive session.

**SPECIAL COMMITTEE ON FAMILY SERVICES**

Wednesday, March 12, 2008, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 1758

**SPECIAL COMMITTEE ON HEALTHCARE TRANSFORMATION**

Wednesday, March 12, 2008, 4:00 p.m. Hearing Room 4.  
Executive session may follow.  
Committee will study all aspects of healthcare and how they relate to the problem of the uninsured in Missouri.  
Public hearing to be held on: HB 2240

**SPECIAL COMMITTEE ON IMMIGRATION**

Wednesday, March 12, 2008, 5:00 p.m. Hearing Room 7.  
Executive session will follow.  
Public hearings to be held on: HB 2366, HB 1395

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

Wednesday, March 12, 2008, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 2260, HB 2156

**SPECIAL COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, March 12, 2008, House Chamber south gallery upon morning adjournment.  
Executive session.

**SPECIAL COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Thursday, March 13, 2008, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 2057, HB 2228

**SPECIAL COMMITTEE ON SENIOR CITIZEN ADVOCACY**

Wednesday, March 12, 2008, 5:00 p.m. Hearing Room 1.  
Executive session.

**SPECIAL COMMITTEE ON STATE PARKS AND WATERWAYS**

Wednesday, March 12, 2008, 3:00 p.m. House Chamber north gallery.  
Executive session will follow.  
Public hearing to be held on: HB 2258

**SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT**

Wednesday, March 12, 2008, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 2040, HB 2109, HB 2111, HB 2213

**SPECIAL COMMITTEE ON URBAN ISSUES**

Wednesday, March 12, 2008, 2:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1919, HB 2117

**SPECIAL COMMITTEE ON UTILITIES**

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

Chairman Davis's presentation is being rescheduled for April 2, 2008.

Executive session may follow. AMENDED

Public hearing to be held on: HCR 30

**SPECIAL COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

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

Executive session may follow.

Public hearings to be held on: HB 2311, HB 1808, HB 2365

**HOUSE CALENDAR**

THIRTY-SEVENTH DAY, WEDNESDAY, MARCH 12, 2008

**HOUSE BILLS FOR SECOND READING**

HB 2396 through HB 2407

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 70 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1911 - Muschany
- 2 HB 1806 - Schaaf
- 3 HCS HB 2058 - Pearce
- 4 HCS#2 HB 1463 - Nolte
- 5 HCS HB 1626 - Emery
- 6 HCS HB 1836 - Flook
- 7 HB 1773 - Funderburk

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HCS HB 2041 - Fisher

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/06/08)

- 1 HB 1426 - Kraus
- 2 HB 1616 - Ruzicka
- 3 HCS HB 1690 - Wilson (130)
- 4 HCS HBs 1876 & 1877 - Cunningham (86)
- 5 HB 2065 - Wasson
- 6 HB 2081 - Dougherty

(3/12/08)

- 1 HCS HB 1611 - Dixon
- 2 HB 1677 - Franz
- 3 HCS HB 1807 - Cox
- 4 HB 1869 - Wilson (130)
- 5 HB 1881 - Schlottach
- 6 HB 1946 - Franz
- 7 HCS HB 2104 - Viebrock
- 8 HCS HB 2204 - Ervin
- 9 HB 2226 - Muschany

**HOUSE CONCURRENT RESOLUTION FOR THIRD READING**

HCR 23, (2-20-08, Page 294) - Dixon

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1722 - Wallace
- 2 HCS HB 1326, (Fiscal Review 3-11-08) - Sater

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1450 - Roorda
- 2 HB 1416 - Nance
- 3 HB 1824 - Schlottach
- 4 HB 1348 - Portwood
- 5 HB 1410 - Flook
- 6 HB 1490 - Deeken
- 7 HB 1532 - Davis
- 8 HB 1572 - Franz
- 9 HB 1574 - Jones (117)

- 10 HB 1608 - Ervin
- 11 HB 1640 - Schoeller
- 12 HB 1972 - Franz
- 13 HB 1973 - Franz
- 14 HB 1368 - Thomson
- 15 HB 1689 - Wilson (130)
- 16 HB 2055 - Viebrock
- 17 HCS HB 2056 - Viebrock
- 18 HB 1358 - Flook
- 19 HB 1422 - St. Onge
- 20 HB 1469 - Pratt
- 21 HB 1805 - Schaaf
- 22 HB 1983 - Pratt

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 7, (2-20-08, Pages 291-292) - Pearce
- 2 HCR 8, (2-20-08, Pages 293-294) - Scavuzzo
- 3 HCR 19, (2-21-08, Pages 305-306) - Sander