

JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

FIFTY-SEVENTH DAY, TUESDAY, APRIL 18, 2006

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father Donald W. Lammers.

Let us pray!

Almighty God, we thank You for the extra day to celebrate life this past weekend of the Christian Easter. We thank You for our own life, for the lives of our children and grandchildren, for the life of every member of our family. Be with them while we are away.

Lord God, be with us here as we begin the remaining four weeks of this General Assembly of the Missouri House of Representatives. Guide those who plan and lead this assembly that they bring before us the issues that are most in need of our attention and those that most deserve it.

As we celebrated life this weekend, so may our work this week protect, sustain and improve the lives of our people and all the people.

The Easter celebrations of all Christians speak of life beyond our life on Earth. Almighty God, help us to conduct our work of serving the people of our State in such a way that we grow toward the eternal life in which we believe.

We pray to You, our God, forever and ever. 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: Aaron John Davis.

The Journal of the fifty-sixth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2348 - Representative Johnson (61)
House Resolution No. 2349 - Representative Bean
House Resolution No. 2350 - Representative Smith (150)
House Resolution No. 2351 - Representative Henke
House Resolution No. 2352 - Representative Dixon
House Resolution No. 2353
and
House Resolution No. 2354 - Representative Kraus

House Resolution No. 2355
through
House Resolution No. 2368 - Representative Lembke
House Resolution No. 2369 - Representative Smith (150)
House Resolution No. 2370 - Representative Bearden, et al.
House Resolution No. 2371 - Representative Vogt
House Resolution No. 2372 - Representative Fraser, et al.
House Resolution No. 2373 - Representative Rucker
House Resolution No. 2374 - Representative Kuessner
House Resolution No. 2375 - Representative Wildberger, et al.
House Resolution No. 2376 - Representative Baker (123)
House Resolution No. 2377
and
House Resolution No. 2378 - Representative McGhee
House Resolution No. 2379
and
House Resolution No. 2380 - Representative Fraser

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCS SCR 24 and **SCR 28** were read the second time.

SECOND READING OF SENATE JOINT RESOLUTIONS

SJR 26 and **SJR 31** were read the second time.

SECOND READING OF SENATE BILLS

SCS SBs 567 & 792, SCS SB 788, SB 874, SS SCS SB 882, SS SCS SB 904, SS SCS SB 912, SS SCS SB 953, SCS SB 961, SS SCS SB 976, SB 1023, SB 1037, SS SCS SB 1041, SS SB 1058, SCS SB 1081, SB 1102, SB 1103, SB 1107, SS SCS SBs 1210, 1244 & 844 and **SS SCS SB 1229** were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1092** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1837** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

SPECIAL RECOGNITION

Tracy A. Henke was introduced by Representative Henke and recognized as an Outstanding Missourian.

PERFECTION OF HOUSE BILLS

HCS HB 1767, relating to protections for the elderly, was taken up by Representative Bruns.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1767, Section 192.2150, Page 25, Line 151, by inserting after all of said line the following:

“16. Any potential patient or new referral of the department shall be screened to ascertain if they are included on the Missouri sexual offender registry maintained by Missouri state highway patrol. If any potential patient or potential resident is included on the Missouri sexual offender registry, the department shall notify the provider of such at the time the referral is made.”; and

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

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

Representative Cooper (158) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1767, Section 192.2000, Page 2, Line 1, by inserting immediately before said line the following:

“192.925. 1. To increase public awareness of the problem of elder abuse and neglect and financial exploitation of the elderly, the department of health and senior services shall implement an education and awareness program. Such program shall have the goal of reducing the incidences of elder abuse and neglect and financial exploitation of the elderly, and may focus on:

- (1) The education and awareness of mandatory reporters on their responsibility to report elder abuse and neglect and financial exploitation of the elderly;**
- (2) Targeted education and awareness for the public on the problem, identification and reporting of elder abuse and neglect and financial exploitation of the elderly;**
- (3) Publicizing the elder abuse and neglect hot line telephone number;**
- (4) Education and awareness for law enforcement agencies and prosecutors on the problem and identification of elder abuse and neglect and financial exploitation of the elderly, and the importance of prosecuting cases pursuant to chapter 565, RSMo; and**
- (5) Publicizing the availability of background checks prior to hiring an individual for caregiving purposes.**

2. The department of social services and facilities licensed pursuant to chapters 197 and 198, RSMo, shall cooperate fully with the department of health and senior services in the distribution of information pursuant to this program.”; and

Further amend said substitute, Section 210.906, Page 51, Line 34, by inserting immediately after said line the following:

“407.991. As used in sections 407.991 to 407.996 the following terms shall mean:

- (1) "Claimant", a person who has or purports to have a claim for money or an interest in property in connection with a transaction procured through identity theft;**
- (2) "Identity theft", the unauthorized use of another person's personal identifying information to obtain credit, goods, services, money, or property;**

(3) "Personal identifying information", a person's name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account identification number, savings account number, or credit card number;

(4) "Victim of identity theft", a person who had his or her personal identifying information used without authorization by another to obtain credit, goods, services, money, or property obtained by the identity theft, and filed a police report in this regard under section 570.223, RSMo.

407.992. 1. A person may bring an action against a claimant to establish that the person is a victim of identity theft in connection with the claimant's claim against that person. If the claimant has brought an action to recover on its claim against the person, the person may file a cross-complaint to establish that the person is a victim of identity theft in connection with the claimant's claim.

2. A person shall establish that he or she is a victim of identity theft by a preponderance of the evidence.

3. A person who proves that he or she is a victim of identity theft, as defined in section 570.223, RSMo, as to a particular claim, shall be entitled to a judgment providing all of the following, as appropriate:

(1) A declaration that he or she is not obligated to the claimant on that claim;

(2) A declaration that any security interest or other interest the claimant had purportedly obtained in the victim's property in connection with that claim is void;

(3) An injunction restraining the claimant from collecting or attempting to collect from the victim on that claim, from enforcing or attempting to enforce any security interest or other interest in the victim's property in connection with that claim, or from enforcing or executing on any judgment against the victim on that claim;

(4) If the victim has filed a cross-complaint against the claimant, the dismissal of any cause of action in the complaint filed by the claimant based on a claim which arose as a result of the identity theft;

(5) Actual damages, attorney's fees, and costs, and any equitable relief that the court deems appropriate. In order to recover actual damages or attorney's fees in an action or cross-complaint filed by a person alleging that he or she is a victim of identity theft, the person shall show that he or she provided written notice to the claimant that a situation of identity theft might exist, including, upon written request of the claimant, a valid copy of the police report at least thirty days prior to his or her filing of the action, or within his or her cross-complaint under this section;

(6) A civil penalty, in addition to any other damages, of up to thirty thousand dollars if the victim establishes by clear and convincing evidence all of the following:

(a) That at least thirty days prior to filing an action or within the cross-complaint under this section, he or she provided written notice to the claimant at the address designated by the claimant for complaints related to credit reporting issues that a situation of identity theft might exist and explaining the basis for that belief;

(b) That the claimant failed to diligently investigate the victim's notification of a possible identity theft; and

(c) That the claimant continued to pursue its claim against the victim after the claimant was presented with facts that were later held to entitle the victim to a judgment under this section.

407.993. An action or cross-complaint brought under sections 407.991 to 407.996 that joins other claimants as defendants in the same action or cross-complaint shall be deemed to comply with the provisions of chapter 507, RSMo, regarding joinder of parties.

407.995. Any action brought under sections 407.991 to 407.996 may be brought within four years of the date the person who alleges that he or she is a victim of identity theft knew or, in the exercise of reasonable diligence, should have known of the existence of facts which would give rise to the bringing of the action or joinder of the defendant.

407.996. 1. Nothing in sections 407.991 to 407.996 shall be construed to affect a claimant's rights and remedies against a person who perpetrates identity theft or against any person who used or possessed the credit, goods, services, or property obtained by identity theft.

2. Sections 407.991 to 407.996 are cumulative to the rights and remedies provided under other laws.

442.700. As used in sections 442.700 to 442.712, unless the context clearly otherwise indicates, the following terms shall mean:

(1) "Dependent", with respect to an elderly or disabled person, wholly or partially dependent upon one or more persons for care or support, either emotional or physical, because the elderly person or disabled person:

- (a) Suffers from a significant limitation in mobility, vision, hearing, emotional or mental functioning, or the ability to read or write; or
- (b) Is suffering or recovering from a major illness or is facing or recovering from major surgery;
- (2) "Disabled person", the same meaning as such term is defined in section 570.145, RSMo;
- (3) "Elderly person", the same meaning as such term is defined in section 570.145, RSMo;
- (4) "Independent counsel", an attorney retained by the elderly or disabled person to represent only such person's interests in the transfer;
- (5) "Less than full consideration", with respect to a transfer of property, the transferee pays less than fair market value for the property or the transfer is supported by past consideration;
- (6) "Major transfer of personal property or money", a transfer of money or items of personal property which represent ten percent or more of the elderly or disabled person's estate;
- (7) "Transfer", does not include testamentary transfers which are outside the scope of sections 442.700 to 442.712.

442.703. 1. In any transfer of real property or major transfer of personal property or money for less than full consideration or execution of a guaranty by an elderly or disabled person who is dependent on others to another person with whom the elderly or disabled person has a confidential or fiduciary relationship, it is presumed that the transfer or execution was the result of undue influence, unless the elderly or disabled person was represented in the transfer or execution by independent counsel. When the elderly or disabled person successfully raises the presumption of undue influence by a preponderance of the evidence and when the transferee or person who benefits from the execution of a guaranty fails to rebut the presumption, the elderly or disabled person is entitled to avoid the transfer or execution and entitled to the relief set forth in section 442.709.

2. For purposes of this section, the transfer of property or execution of a guaranty is deemed to have been made in the context of a confidential or fiduciary relationship if the transferee or person who benefits from the execution of a guaranty had a close relationship with the elderly or disabled person prior to the transfer or execution. Confidential or fiduciary relationships include, but are not limited to, the following:

- (1) A family relationship between the elderly or disabled person and the transferee or person who benefits from the execution of a guaranty, including relationships by marriage and adoption;
- (2) A fiduciary relationship between the elderly or disabled person and the transferee or person who benefits from the execution of a guaranty, such as with a guardian, conservator, trustee, accountant, broker, or financial advisor;
- (3) A relationship between the elderly or disabled person and a physician, nurse, or other medical or health care provider;
- (4) A relationship between the elderly or disabled person and a psychologist, psychiatrist, social worker, or counselor;
- (5) A relationship between the elderly or disabled person and an attorney;
- (6) A relationship between the elderly or disabled person and a priest, minister, rabbi, or spiritual advisor;
- (7) A relationship between the elderly or disabled person and an individual who provides care or services to such person whether or not care or services are paid for the elderly or disabled person;
- (8) A relationship between the elderly or disabled person and a friend or neighbor; or
- (9) A relationship between the elderly or disabled person and an individual sharing the same living quarters.

When any such relationships exist and when a transfer or execution is made to a corporation or organization primarily on account of the membership, ownership, or employment interest or for the benefit of the fiduciary or confidante, a fiduciary or confidential relationship with the corporation or organization is deemed to exist.

442.706. 1. A civil action may be brought to obtain relief under sections 442.700 to 442.712 by an elderly or disabled person, such person's legal representative, or the personal representative of the estate of an elderly or disabled person.

2. When a court finds that a transfer of property or execution of a guaranty was the result of undue influence, the court shall grant appropriate relief enabling the elderly or disabled person to avoid the transfer or execution, including the rescission or reformation of a deed or other instrument, the imposition of a constructive trust on property, or an order enjoining use of or entry on property, or commanding the return of property. When the court finds that undue influence is a good and valid defense to a transferee's suit on a contract to

transfer the property or a suit of a person who benefits from the execution of a guaranty on such guaranty, the court shall refuse to enforce the transfer or guaranty.

3. No relief obtained or granted under this section may in any way affect or limit the right, title, and interest of good faith purchasers, mortgages, holders of security interests, or other third parties who obtain an interest in the transferred property for value after its transfer from the elderly or disabled person. No relief obtained or granted under this section shall affect any mortgage deed to the extent of value given by the mortgagee.

442.709. Nothing in sections 442.700 to 442.712 shall be construed to abrogate any other causes of action or relief at law or equity to which elderly or disabled persons are entitled under laws or at common law.

442.712. Sections 442.700 to 442.712 shall not require that language showing compliance with sections 442.700 to 442.712 be included in a deed and shall not require that evidence of compliance with sections 442.700 to 442.712 be recorded in the registry of deeds. Any attempt to record such evidence is void and has no effect on title.

559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, [RSMo, section] 558.018, [RSMo, section] **559.115**, 565.020, [RSMo, section] **565.180, 565.182, 565.200, 570.145, and 571.015**, [RSMo, and section 559.115] RSMo.

2. The circuit court shall have the power to revoke the probation or parole previously granted and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

565.180. 1. A person commits the crime of elder abuse in the first degree if he attempts to kill, knowingly causes or attempts to cause serious physical injury, as defined in section 565.002, to any person sixty years of age or older or an eligible adult as defined in section 660.250, RSMo.

2. Elder abuse in the first degree is a class A felony.

3. No court may suspend the imposition or execution of sentence or impose a fine in lieu of a term of imprisonment when a person pleads guilty to or is found guilty of elder abuse in the first degree.

565.182. 1. A person commits the crime of elder abuse in the second degree if he:

(1) Knowingly causes, attempts to cause physical injury to any person sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly [and purposely] causes serious physical injury, as defined in section 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250, RSMo.

2. Elder abuse in the second degree is a class B felony.

3. No court may suspend the imposition or execution of sentence or impose a fine in lieu of a term of imprisonment when a person pleads guilty to or is found guilty pursuant to subdivision 1 of subsection 1.

565.184. 1. A person commits the crime of elder abuse in the third degree if he:

(1) Knowingly causes or attempts to cause physical contact with any person sixty years of age or older or an eligible adult as defined in section 660.250, RSMo, knowing the other person will regard the contact as harmful or provocative; or

(2) Purposely engages in conduct involving more than one incident that causes grave emotional distress to a person sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo. The course of conduct shall be such as would cause a reasonable person age sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo, to suffer substantial emotional distress; or

(3) Purposely or knowingly places a person sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo, in apprehension of immediate physical injury; or

(4) Intentionally fails to provide care, goods or services to a person sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo. The cause of the conduct shall be such as would cause a reasonable person age sixty or older or an eligible adult, as defined in section 660.250, RSMo, to suffer physical or emotional distress; or

(5) Knowingly acts or knowingly fails to act in a manner which results in a grave risk to the life, body or health of a person sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo.

2. Elder abuse in the third degree is a class [A misdemeanor] **D felony**.

565.188. 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with responsibility for the care of a person sixty years of age or older has reasonable cause to suspect that such a person has been subjected to abuse or neglect, **or financial exploitation**, or observes such a person being subjected to conditions or circumstances which would reasonably result in abuse or neglect, **or financial exploitation**, he or she shall immediately report or cause a report to be made to the department in accordance with the provisions of sections 660.250 to 660.295, RSMo. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect, **or financial exploitation** may report to the department.

2. Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who purposely files a false report of elder abuse or neglect **or financial exploitation of the elderly** is guilty of a class A misdemeanor.

4. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of making a false report under subsection 3 of this section is guilty of a class D felony.

5. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

565.200. 1. Any owner or employee of a skilled nursing facility, as defined in section 198.006, RSMo, or an Alzheimer's special unit or program, as defined in section 198.505, RSMo, who:

(1) Has sexual contact, as defined in section 566.010, RSMo, with a resident is guilty of a class [B] **A misdemeanor**. Any person who commits a second or subsequent violation of this subdivision is guilty of a class [A misdemeanor] **D felony**; or

(2) Has sexual intercourse or deviate sexual intercourse, as defined in section 566.010, RSMo, with a resident is guilty of a class [A misdemeanor] **C felony**. Any person who commits a second or subsequent violation of this subdivision is guilty of a class [D] **B felony**. **No court may suspend the imposition or execution of sentence or impose a fine in lieu of a term of imprisonment when a person pleads guilty to or is found guilty of committing a second or subsequent violation of this subdivision.**

2. The provisions of this section shall not apply to an owner or employee of a skilled nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined in section 566.010, RSMo, with a resident to whom the owner or employee is married.

3. Consent of the victim is not a defense to a prosecution pursuant to this section.

565.320. 1. As used in this section the following terms shall mean:

(1) "Crime of violence", any crime which involved the threat or use of physical force against an elderly person;

(2) "Elderly", a person sixty-five years of age or older.

2. Notwithstanding any other provision of law no court shall sentence a person who has pled guilty or nolo contendere to or has been found guilty of a crime of violence against the elderly to a term of imprisonment of less than thirty consecutive days or to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he or she has served a minimum of thirty consecutive days of imprisonment.

570.145. 1. A person commits the crime of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than fifty dollars[,] ; a class D felony if the value of the property is fifty dollars but less than five hundred dollars[,] ; a class C felony if the value of the property is five hundred dollars but less than one thousand dollars[,] ; a class B felony if the value of the property is one thousand dollars [but less than fifty thousand dollars, and a class A felony if the value of the property is fifty thousand dollars] or more. **No court may suspend the imposition or execution of sentence or impose a fine in lieu of a term of imprisonment when a person pleads guilty to or is found guilty of a violation of this section when punishable as a class B felony.**

2. For purposes of this section, the following terms mean:

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved;

or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

(2) "Disabled person", a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection;

(3) "Elderly person", a person sixty years of age or older;

(4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

3. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

4. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.”; and

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

On motion of Representative Cooper (158), **House Amendment No. 2** was adopted.

Representative Portwood offered **House Amendment No. 3**.

Representative Burnett raised a point of order that **House Amendment No. 3** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Fares offered **House Amendment No. 4**.

Representative Burnett raised a point of order that **House Amendment No. 4** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Bruns, **HCS HB 1767, as amended**, was adopted.

On motion of Representative Bruns, **HCS HB 1767, as amended**, was ordered perfected and printed.

HCS HB 1900, relating to campaign finance, was taken up by Representative Dempsey.

On motion of Representative Dempsey, **HCS HB 1900** was adopted.

On motion of Representative Dempsey, **HCS HB 1900** was ordered perfected and printed.

HCS HB 1677, relating to a health insurance premium deduction, was taken up by Representative Ervin.

Speaker Jetton assumed the Chair.

On motion of Representative Ervin, **HCS HB 1677** was adopted.

On motion of Representative Ervin, **HCS HB 1677** was ordered perfected and printed.

HB 1864, relating to college admission of illegal aliens, was taken up by Representative Nolte.

Representative Pratt assumed the Chair.

Speaker Jetton resumed the Chair.

On motion of Representative Nolte, **HB 1864** was ordered perfected and printed by the following vote:

AYES: 117

Baker 123	Bearden	Behnen	Bivins	Black
Bogetto	Bringer	Bruns	Casey	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Dake	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Frame
Franz	Guest	Harris 110	Haywood	Hobbs
Hunter	Icet	Jackson	Johnson 47	Johnson 90
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota

Liese	Lipke	Loehner	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Self	Shoemyer	Silvey
Smith 14	Smith 118	Smith 150	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 137	Wright 159	Yates
Zweifel	Mr Speaker			

NOES: 038

Aull	Baker 25	Bland	Bowman	Boykins
Brooks	Brown 50	Burnett	Chappelle-Nadal	Corcoran
Curls	Darrrough	Daus	Donnelly	Dougherty
El-Amin	Fraser	Harris 23	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Jolly	Low 39
Lowe 44	Oxford	Rucker	Schoemehl	Skaggs
Spreng	Villa	Vogt	Walsh	Walton
Wright-Jones	Yaeger	Young		

PRESENT: 003

Flook	George	Roorda
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ABSENT WITH LEAVE: 005

Avery	Bean	Brown 30	Marsh	Salva
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HCS HB 1141, relating to the Gaming Commission Fund, was taken up by Representative Jackson.

HCS HB 1141 was placed on the Informal Calendar.

THIRD READING OF HOUSE BILL

HCS HB 1837, relating to malpractice insurance, was taken up by Representative Yates.

On motion of Representative Yates, **HCS HB 1837** was read the third time and passed by the following vote:

AYES: 158

Aull	Baker 25	Baker 123	Bearden	Behnen
Bivins	Black	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Bruns
Burnett	Casey	Chinn	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Dake	Darrrough	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow

Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Flook	Frame	Franz	Fraser	George
Guest	Harris 23	Harris 110	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Icet	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Sander	Sater	Schaaf	Schad
Scharmhorst	Schlottach	Schneider	Schoemehl	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	Spreng	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery	Bean	Brown 30	Marsh	Salva
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Speaker Jetton declared the bill passed.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 1677 - Fiscal Review (Fiscal Note)

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SCS SB 953 - Insurance Policy

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Myers reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HCR 33**, 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.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 33

WHEREAS, Missouri's long-standing agriculture tradition continues to thrive and contribute to our economy and to our families; and

WHEREAS, the State of Missouri has maintained a robust and profitable agriculture economy, frequently ranking in the top ten among states with regard to the number of operating farms, hay, cotton, and corn production, and cattle, hog, and turkey production, and more; and

WHEREAS, the economic benefits from these agricultural operations are profoundly important to our communities, to our state, and to our nation; and

WHEREAS, with the introduction of the Missouri Animal Identification Program, a coordinated effort between the Missouri Department of Agriculture and the United States Department of Agriculture, the issues of food security and personal freedom became a reality for Missouri agriculture producers; and

WHEREAS, the United States Department of Agriculture National Animal Identification System (NAIS) is currently and should remain a voluntary program with regard to animal identification programs and marketing practices; and

WHEREAS, we, the members of the Missouri General Assembly, strongly oppose any mandatory animal identification program:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Department of Agriculture to continue the National Animal Identification System program as a voluntary program to allow agriculture families to direct their own future; and

BE IT FURTHER RESOLVED that we, the members of the Missouri General Assembly, hereby swear as a legislative body to uphold and promote our farming community and protect the freedoms we share; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Mike Johanns, the Secretary of the United States Department of Agriculture.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCS SB 1008**, begs leave to report it has examined the same and recommends that it **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 **SB 1017**, 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.

Special Committee on Urban Issues, Chairman Hoskins reporting:

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HB 2111**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(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 **HB 1340**, **HB 1549**, **HB 1918** and **HB 1998**, 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 Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 629**, 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 SB 837**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

SENATE CONSENT BILL

Pursuant to Rule 44(c), the following bill, has remained on the Senate Bill for Third Reading Consent Calendar for five legislative days without any objection, all committee substitutes and committee amendments thereto adopted by consent: **SB 561**.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 31**.

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, Missouri's long-standing agriculture tradition continues to thrive and contribute to our economy and to our families; and

WHEREAS, the state of Missouri has maintained a robust and lucrative agriculture culture, frequently ranking in the top ten among states with regard to the number of operating farms, hay, cotton, and corn production, cattle, hog and turkey production, and more; and

WHEREAS, the economic benefits from these agricultural operations are profoundly important to our communities, to our state, and to our nation; and

WHEREAS the farm family is the backbone of our state, as we, a legislative body, do swear to uphold and promote our farming community and protect the freedoms we share; and

WHEREAS, with the introduction of the Missouri Animal ID Program, a coordinated effort between the Missouri Department of Agriculture and the United States Department of Agriculture (USDA), the issues of food security and personal freedom became a reality for Missouri agriculture producers; and

WHEREAS, the USDA National Animal Identification System (NAIS) is currently and should remain a voluntary program with regard to animal identification programs and marketing practices:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Department of Agriculture to continue the National Animal Identification System program as a voluntary program to allow agricultural families to direct their own future; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Department of Agriculture and the Missouri Department of Agriculture.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, April 19, 2006.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-sixth Day, Thursday, April 13, 2006, Page 1073, Lines 18 through 20, by deleting all of said lines.

Page 1075, Line 10, by inserting immediately after said line the following:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2040**, begs leave to report it has examined the same and recommends that it **Do Pass**.

AFFIDAVIT

I, State Representative Rick Johnson, District 90, hereby state and affirm that my vote as recorded on Page 1059 of the House Journal for Thursday, April 13, 2006 showing that I voted "aye" was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted "no". 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 18th day of April 2006.

/s/ Rick Johnson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 18th day of April in the year 2006.

/s/ Carrie Freeman Young
Notary Public

COMMITTEE MEETINGS

CHILDREN AND FAMILIES

Wednesday, April 19, 2006, 8:30 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HCR 45, HCR 26, SCS SB 568

CONSERVATION AND NATURAL RESOURCES

Wednesday, April 19, 2006, 6:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HCR 31

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 19, 2006, 8:00 a.m. Hearing Room 3.

Executive session.

Public hearings to be held on: HB 2131, HB 1946, HCR 38

FISCAL REVIEW

Wednesday, April 19, 2006, 9:30 a.m. Hearing Room 6.

Any bills or matters referred to the Fiscal Review Committee.

Executive session may follow.

FISCAL REVIEW

Thursday, April 20, 2006, 9:30 a.m. Hearing Room 5.

Any bills or matters referred to the Fiscal Review Committee.

Executive session may follow.

HEALTH CARE POLICY

Thursday, April 20, 2006, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1831, HCR 27, SCS SBs 575 & 714,
SB 822, SCS SBs 858 & 868, SB 901

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 19, 2006, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: SS SCS SB 825

JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Thursday, April 20, 2006, 9:00 a.m. Senate Lounge.

Consideration of Kansas City, MO Enterprise Zone Renewal (Satellite Zone #1)

LOCAL GOVERNMENT

Wednesday, April 19, 2006, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2047

LOCAL GOVERNMENT

Thursday, April 20, 2006, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: SCS SB 646, SCS SB 746

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 19, 2006, 12:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1447

Executive session may be held on: SB 1124

SENIOR CITIZEN ADVOCACY

Thursday, April 20, 2006, 8:15 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1200, SCS SB 616

SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT

Wednesday, April 19, 2006, 8:15 a.m. Hearing Room 4.

Executive session only.

SPECIAL COMMITTEE ON HEALTHCARE FACILITIES

Wednesday, April 19, 2006, Hearing Room 6 upon afternoon adjournment.

Executive session.

SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT AND FINANCE

Wednesday, April 19, 2006, 12:00 p.m. Hearing Room 7.

Executive session.

TRANSPORTATION

Wednesday, April 19, 2006, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: SCS SB 1064, SS#2 SCS SB 583

UTILITIES

Wednesday, April 19, 2006, Hearing Room 5 upon morning recess.

Executive session may be held.

Public hearings to be held on: HCR 49, HR 1930, SS SCS SBs 613, 1030 & 899, SB 780, SS SB 1066

WAYS AND MEANS

Wednesday, April 19, 2006, Hearing Room 4 upon morning recess.

Possible Executive session.

Public hearings to be held on: HB 1649, SB 582, SB 778

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 19, 2006, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HCR 36, HB 1433, HB 1575

HOUSE CALENDAR

FIFTY-EIGHTH DAY, WEDNESDAY, APRIL 19, 2006

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton
- 3 HCS HJR 48 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1151 - Cunningham (86)
- 2 HCS HB 974 - Davis
- 3 HB 1498 - Dethrow (4 hours debate on Perfection)
- 4 HB 1071 - Phillips
- 5 HCS HB 1378, 1379, 1391 & 1541 - St. Onge
- 6 HB 1619 - Sutherland
- 7 HCS HB 1534 - Lembke
- 8 HCS HB 1080 - Schaaf
- 9 HCS HB 1322 - Lipke
- 10 HCS HB 1487 - Parker
- 11 HCS HB 1581 - Jetton
- 12 HCS HB 1726 - Johnson (47)
- 13 HCS HB 1155 - Yates
- 14 HCS HB 1194 - Cunningham (86)
- 15 HCS HB 1162 - Deeken
- 16 HB 1728 - Rector
- 17 HCS HB 1137 - Darrough
- 18 HB 1412 - Portwood
- 19 HCS HB 1316 - Lipke (2 hours debate on Perfection)
- 20 HB 1499 - May
- 21 HB 1910 - Fisher
- 22 HCS HB 1928 - Ervin
- 23 HCS HB 1939 - Hunter
- 24 HCS HB 1607 - Schneider
- 25 HCS HB 1036 - Sander
- 26 HCS HB 1347 - Myers
- 27 HB 1536 - Schaaf
- 28 HCS HB 1761 - Loehner

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- 29 HB 1885 - Behnen
- 30 HB 1975 - Cunningham (145)
- 31 HB 1423 - Page

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1783 & 1479 - Bearden (3 hours debate on Perfection)
- 2 HCS HB 1075, as amended - Davis (150 minutes debate on Perfection)
- 3 HCS HB 1660 & 1269, as amended - Behnen
- 4 HCS HB 1620 - Sutherland
- 5 HCS HB 1141 - Jackson

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 41, (4-05-06, Page 907) - Sutherland

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1092 - Sater
- 2 HCS HB 1441 - Sutherland

HOUSE BILL FOR THIRD READING - FEDERAL MANDATE

HB 1884 - Behnen

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 1522 - Sander

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 10, (4-05-06, Page 905) - Zweifel
- 2 HCR 18, (4-05-06, Page 906) - Kuessner
- 3 HCR 30, (3-29-06, Pages 753-754) - Wilson (130)
- 4 HCR 37, (4-06-06, Pages 927-928) - Loehner

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SBs 701 & 948 - Jackson
- 2 SB 561 - Dempsey

(4/12/06)

- 1 SCS SB 630 - Portwood
- 2 SB 559 - Rector
- 3 SB 648 - Denison
- 4 SB 678 - Smith (14)

- 5 SCS SB 751 - Johnson (47)
- 6 SCS SB 802, E.C. - Rucker
- 7 SB 863 - Robinson
- 8 SB 933 - Bruns
- 9 HCS SB 981 - Behnen
- 10 HCS SB 809 - Baker (25)
- 11 SB 936 - Jones

(4/13/06)

- 1 SB 641 - Cunningham (145)
- 2 SB 677 - Threlkeld
- 3 HCS SCS SB 765, E.C. - Weter
- 4 SB 900 - Moore
- 5 HCS SCS SB 932 - Wilson (119)
- 6 SB 974 - Dempsey
- 7 SCS SB 1117 - Bruns

(4/18/06)

- 1 SB 558 - Rector
- 2 HCS SB 725 - Johnson (47)
- 3 SCS SB 749 - Ruestman
- 4 HCS SB 819 - Emery
- 5 SB 828 - Behnen
- 6 SB 871 - Daus
- 7 HCS SB 893 - Emery
- 8 SCS SB 934 - Tilley
- 9 SB 1016, E.C. - Schneider
- 10 SB 1020 - Moore
- 11 SB 1056 - Sutherland
- 12 SB 1094 - Wright (137)
- 13 SB 1155 - Tilley
- 14 SB 1177 - Dusenberg
- 15 SB 1207 - Black
- 16 SCS SB 580 - Baker (123)
- 17 SB 612, E.C. - Tilley
- 18 SB 618 - Baker (123)
- 19 SCS SB 650, E.C. - Dixon
- 20 SCS SBs 667, 704, 941, 956 & 987 - St. Onge
- 21 HCS SB 712, E.C. - Bruns
- 22 SCS SB 747 - Bearden
- 23 HCS SCS SB 756 - Behnen
- 24 HCS SCS SB 769, E.C. - Wright (159)
- 25 SB 785 - Roorda
- 26 SCS SB 830 - Silvey
- 27 HCS SB 834 - Wilson (130)

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- 28 SB 845 - Johnson (90)
- 29 SCS SB 870, E.C. - Cooper (158)
- 30 SB 881 - Robinson
- 31 SB 919 - Rector
- 32 SB 931 - Parson
- 33 SB 964 - Jackson
- 34 SB 990, HCA 1 - Bruns
- 35 SCS#2 SB 1003, E.C. - Bruns
- 36 HCS SB 1045 - Stevenson
- 37 SB 1057 - Behnen
- 38 SCS SB 1059 - Roorda
- 39 SCS SB 1060 - Jackson
- 40 SB 1085 - Cooper (155)
- 41 HCS SCS SB 1086, E.C. - Kratky
- 42 HCS SCS SB 1122 - Schaaf
- 43 SB 1139 - Yaeger
- 44 SB 1146 - Pratt
- 45 HCS SB 1165 - Bivins
- 46 SB 1189 - Dempsey
- 47 SB 1197 - Viebrock
- 48 SB 1208 - Pratt
- 49 SB 1216 - Wasson

SENATE BILLS FOR THIRD READING

- 1 SB 645 - Richard
- 2 HCS SCS SB 614 - Sutherland
- 3 SB 766 - Bruns
- 4 SB 818 - Smith (118)
- 5 HCS SCS SBs 1001, 896 & 761, E.C. - St. Onge

SENATE CONCURRENT RESOLUTIONS

- 1 SCS SCR 21, (1-24-06, Pages 115-116) - Ervin
- 2 SCS SCR 25, (2-16-06, Pages 273-274) - Dixon