

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-SECOND DAY, MONDAY, FEBRUARY 16, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we acknowledge this truth: It is good and more pleasurable when we abide together harmoniously! (*Psalms 133:1*)

Lord God, You know our hearts and discern our motives in ways we cannot know. You are wise and good and truthful in all things, and You bring together that which can easily be torn apart. You love unity and You are a holy personification of what You desire for all human relationships.

Today we ask that You bring a harmony of purpose to this assembly. Give us unity in all we do, from establishing state policy to respect for each other. Let us experience a pleasure we did not anticipate and a joy we could not experience if we were divided and disagreeable.

Cover us with Your complete protection, not only in our travels, but in our day to day activities.

These petitions are placed before You, in the name of Your Son. Amen.

*(Excerpts from 77 Days of Prayer)*

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: Austin Sellers, Olivia Akins, Statyn Coppage, Alyssa Counce, Alana Mann, Kristen Alexander, Gregory Ryan Cooper, Su Jeong Kong, Martha Liliana Hernandez, Eleanor Englund, Blake Lawrence, Sam Ward and Didi Simon.

The Journal of the twenty-first day was approved as printed by the following vote:

AYES: 145

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Carter	Casey	Colona
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet

Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skags	Smith 14	Smith 150	Spreng
Stevenson	Storch	Stream	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Wells
Weter	Wildberger	Wilson 119	Witte	Wood
Wright	Yaeger	Yates	Zimmerman	Mr Speaker

NOES: 006

Bringer	Burnett	Low	Still	Talbo
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Chappelle-Nadal	Corcoran	El-Amin	Grisamore
Kander	Lampe	Sander	Sutherland	Webb
Wilson 130	Zerr			

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 560 through House Resolution No. 687

## HOUSE CONCURRENT RESOLUTIONS

Representative Schaaf offered House Concurrent Resolution No. 28.

Representative Schaaf, et al., offered House Concurrent Resolution No. 29.

## SECOND READING OF HOUSE BILLS

**HB 690** through **HB 716** were read the second time.

## PERFECTION OF HOUSE BILL

**HB 96, with HCS**, relating to school protection measures, was taken up by Representative Wallace.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 96, Section 160.261, Page 5, Lines 134 and 135, by deleting said lines and inserting in lieu thereof the following:

“10. Spanking, when administered by certificated personnel **or the use of force to protect persons or property, when administered by personnel** of a school district in a reasonable manner in accordance with”; and

Further amend said bill, section, and page, Line 140, by deleting the opening “[“ and closing “]” brackets around the word “certificated”; and

Further amend said bill, section, and page, Lines 150 and 151, by deleting all of said lines and inserting in lieu thereof the following:

“of child abuse other than the administration of a spanking by certificated school personnel **or the use of force to protect persons or property when administered by school personnel** pursuant to a written policy of discipline or [a]”; and

Further amend said bill and section, Page 6, Lines 158 and 159, by deleting all of said lines and inserting in lieu thereof the following:

“spanking administered by certificated personnel **or the use of force to protect persons or property when administered by personnel** of a school district pursuant to a written policy of discipline or a report made for the”; and

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

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

Representative Dusenberg offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 96, Section 162.215, Page 9, Line 1, by deleting the words “**the majority of its territory**” and inserting in lieu thereof the following:

“**its administrative headquarters**”; and

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

On motion of Representative Dusenberg, **House Amendment No. 2** was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 96, Section 167.023, Page 12, Line 2, by inserting after the word “**shall**” the following:

“**provide all information relating to such reportable offense to any school district to which the student transfers or enrolls. In addition, if the student has been certified for trial as an adult under section 211.071, RSMo, then the school district shall**”; and

Further amend said bill, section and page, Line 4, by adding immediately after the word “**transcript.**” the following:

**“However, if the student is under the jurisdiction of the juvenile court, the school shall attach a notice to the student’s permanent record and to the student’s academic transcript stating only that a reportable offense under subdivisions (1) to (25) of subsection 2 of section 160.261, RSMo, has been committed by the student.”**; and

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

On motion of Representative Bringer, **House Amendment No. 3** was adopted.

Representative Icet assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Wallace, **HCS HB 96, as amended**, was adopted.

On motion of Representative Wallace, **HCS HB 96, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 373** - Elementary and Secondary Education

**HB 682** - Elementary and Secondary Education

### **COMMITTEE REPORT**

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 235, HB 171, HB 237, HB 238** and **HB 292**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 29**, introduced by Representatives LeVota, Grill and Lampe, relating to the department of transportation.

## INTRODUCTION OF HOUSE BILLS

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

**HB 717**, introduced by Representatives Tilley, Holsman, Day, Nolte, Scharnhorst, Smith (14), Zerr, Casey, Jones (89), Dieckhaus, Wilson (119), Silvey, Weter, Stream, Kingery, Nieves, Smith (150), Schieffer, Brown (50) and Gatschenberger, relating to educational personnel compensation.

**HB 718**, introduced by Representative Dugger, relating to fire protection association fees.

**HB 719**, introduced by Representatives Flook, Ruestman, Lair and Guernsey, relating to meetings of the state board of education.

**HB 720**, introduced by Representatives LeVota, Oxford and Lampe, relating to the household child protect act.

**HB 721**, introduced by Representatives LeVota, Meadows, Schaaf, Oxford, Kander, Pace and Lampe, relating to the health care whistleblower protection act.

**HB 722**, introduced by Representatives LeVota and Lampe, relating to state employee salary increases.

**HB 723**, introduced by Representatives LeVota, Kander and Grill, relating to victims of sexual abuse.

**HB 724**, introduced by Representatives LeVota, Grill, Morris, Pace and Meadows, relating to dog fighting.

**HB 725**, introduced by Representatives LeVota and Pace, relating to patient safety.

**HB 726**, introduced by Representatives LeVota, Schieffer, Morris, Lampe and Meadows, relating to Erica and Zayquon's law.

**HB 727**, introduced by Representative LeVota, relating to repeal of the state safety inspection program.

**HB 728**, introduced by Representatives LeVota, Lampe and Meadows, relating to failure to report illegal conduct of pharmacists or other health care professionals.

**HB 729**, introduced by Representatives LeVota and Pace, relating to a three dollar surcharge in criminal cases.

**HB 730**, introduced by Representatives LeVota, Kander, Schieffer, Grill and Meadows, relating to a tax credit for military-related employees.

**HB 731**, introduced by Representative LeVota, relating to motor vehicles.

**HB 732**, introduced by Representatives LeVota, Oxford, Grill and Meadows, relating to prohibitions on telecommunications practices.

**HB 733**, introduced by Representative Dixon, relating to voter registration for hunting and fishing permit applicants.

**HB 734**, introduced by Representatives Ruzicka and Hobbs, relating to water pollution permit fees.

**HB 735**, introduced by Representatives Yates, Nance, Dusenberg, Wallace, Faith, Kraus, Ruestman, Cooper, McGhee, Schaaf, Bivins, Allen, Yaeger and Atkins, relating to the uninsured motorists.

**HB 736**, introduced by Representatives Pollock, Tilley, Faith, Denison, Wilson (119), Wells, Kingery, Loehner, Jones (117) and Munzlinger, relating to caller location in emergency situations.

**HB 737**, introduced by Representative Schaaf, relating to taxation of private aircraft.

**HB 738**, introduced by Representative Schaaf, relating to the Missouri returning heroes' education act.

**HB 739**, introduced by Representatives Munzlinger and Deeken, relating to surveyor elections.

**HB 740**, introduced by Representative Icet, relating to federal reimbursement allowances.

**HB 741**, introduced by Representatives Viebrock, Denison, Wells, Schaaf, Pratt and Wood, relating to stealing leased property.

**HB 742**, introduced by Representatives Storch, Schaaf, Vogt, Kratky, Colona and Hummel, relating to physical assessment of certain police officers.

**HB 743**, introduced by Representatives Gatschenberger, Tilley, Dusenberg, LeBlanc, Franz, Icet, Jones (89) and Schieffer, relating to license fee revenue.

**HB 744**, introduced by Representative Icet, relating to the receipt of federal economic stimulus funds.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 31**, entitled:

An act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to eliminating the position of transportation inspector general.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 47**, entitled:

An act to repeal sections 43.060, 306.227, and 590.030, RSMo, and to enact in lieu thereof three new sections relating to educational requirements for certain law enforcement personnel.

In which the concurrence of the House is respectfully requested.

### **WITHDRAWAL OF HOUSE BILL**

February 16, 2009

D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306C  
Jefferson City, MO 65101

Dear Mr. Crumbliss,

Due to drafting errors, I respectfully request that **House Bill No. 422** be withdrawn. Please feel free to contact my office with any questions.

Sincerely,

/s/ Representative Brian Yates  
District 56

The following members' presence was noted: Calloway, Chappelle-Nadal, El-Amin, Grisamore, Kander, Lampe, Sutherland, Webb and Zerr.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, February 17, 2009.

### **COMMITTEE MEETINGS**

#### **ADMINISTRATION AND ACCOUNTS**

Tuesday, February 17, 2009, 2:00 p.m. Hearing Room 6.  
Organizational meeting.  
Discuss yearly resolutions.

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 17, 2009, 2:00 p.m. Hearing Room 4.  
Continuation of Department of Natural Resources overview and Governor's recommendations.

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 18, 2009, 2:00 p.m. Hearing Room 4.  
Continuation of Department of Natural Resources overview and Governor's recommendations.

**APPROPRIATIONS - EDUCATION**

Tuesday, February 17, 2009, 2:00 p.m. Hearing Room 1.  
Department of Higher Education budget presentation.

**APPROPRIATIONS - EDUCATION**

Wednesday, February 18, 2009, 2:00 p.m. Hearing Room 1.  
Higher Education institutions budget requests.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 17, 2009, 12:00 p.m. Hearing Room 3.  
Budgets to be reviewed: Judiciary and Office of Public Defender.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 3.  
Budgets to be reviewed: Statewide Elected Officials, General Assembly,  
Judiciary continued, Public Defender continued.  
Executive session may follow.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 17, 2009, 2:00 p.m. Hearing Room 5.  
2010 budget review for the Department of Mental Health and  
Department of Health and Senior Services.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 18, 2009, 2:00 p.m. Hearing Room 5.  
2010 budget review for the Department of Health and Senior Services and  
Department of Social Services.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 19, 2009, 8:00 a.m. Hearing Room 5.  
2010 budget review for the Department of Social Services.

**APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Wednesday, February 18, 2009, 2:00 p.m. Hearing Room 6.  
Budget overview and discussion on core decision items.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 17, 2009, 8:00 a.m. Hearing Room 3.  
Discuss Departments of Transportation,  
Labor and Industrial Relations Governor's recommendations.  
New decision items and core budget.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 17, 2009, Hearing Room 7 upon adjournment or 2:00 p.m. whichever is later.  
Continued from morning, if needed - same agenda.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 18, 2009, Hearing Room 7 upon adjournment or 2:00 p.m. whichever is later.  
Discuss Department of Economic Development and  
Department of Insurance Governor's recommendations.  
New decision items and core budget.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 24, 2009, 8:00 a.m. Hearing Room 3.  
Discuss report.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 24, 2009, Hearing Room 7 upon adjournment or 2:00 p.m. whichever is later.  
Continued from morning, if needed - same agenda.  
Discuss report.

**BUDGET**

Wednesday, February 18, 2009, 8:00 a.m. Hearing Room 3.  
Executive session may follow.  
Public hearing to be held on: HJR 23

**CONSERVATION AND NATURAL RESOURCES**

Wednesday, February 18, 2009, 8:00 a.m. Hearing Room 4.  
Public hearings to be held on: HB 246, HB 604, HB 661

**CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, February 18, 2009, 5:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearings to be held on: HB 282, HB 544, HB 211, HB 537

**CRIME PREVENTION**

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 496

**ELECTIONS**

Tuesday, February 17, 2009, 8:00 a.m. Hearing Room 5.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 565, HB 613, HJR 9

**ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, February 18, 2009, 8:00 a.m. Hearing Room 6.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 488, HB 490, HB 373, HB 682

#### ENERGY AND ENVIRONMENT

Tuesday, February 17, 2009, 8:30 a.m. Hearing Room 1.  
Executive session only.

#### FINANCIAL INSTITUTIONS

Wednesday, February 18, 2009, 5:00 p.m. Hearing Room 6.  
Executive session may follow.  
Public hearings to be held on: HB 239, HB 273, HB 382

#### HEALTH CARE POLICY

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 6.  
Public hearings to be held on: HB 298, HB 357

#### HEALTHCARE TRANSFORMATION

Tuesday, February 17, 2009, 5:00 p.m. Hearing Room 6.  
We will have speakers on the low wage trap.  
Executive session may or may not follow. AMENDED  
Public hearings to be held on: HB 372, HB 614

#### HIGHER EDUCATION

Tuesday, February 17, 2009, 8:00 a.m. Hearing Room 6.  
Public hearing to be held on: HB 498  
Executive session will be held on: HB 247

#### INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, February 18, 2009, 5:00 p.m. Hearing Room 7.  
This meeting is a reschedule for a presentation by  
Chris Gutierrez from Kansas City SmartPort, Inc.

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, February 17, 2009, 5:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 190, HB 553

#### JOINT COMMITTEE ON TAX POLICY

Tuesday, February 17, 2009, 8:30 a.m. Senate Lounge.  
Discussions on: Low Income Housing Tax Credit and  
TIF report from the Department of Economic Development.

#### LOCAL GOVERNMENT

Wednesday, February 18, 2009, 8:00 a.m. Hearing Room 7.  
Executive session may be held at the beginning of this meeting.  
Public hearings to be held on: HB 85, HB 132, HB 159, HB 257, HB 261, HB 338,  
HB 416, HB 460, HB 468, HB 548, HB 564, HB 572, HB 574, HB 576

**PUBLIC SAFETY**

Tuesday, February 17, 2009, 12:00 p.m. Hearing Room 6.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 26, HB 202, HB 447, HB 330

**RETIREMENT**

Thursday, February 19, 2009, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearings to be held on: HB 265, HB 477, HB 478

**RULES - PURSUANT TO RULE 25(32)(f)**

Tuesday, February 17, 2009, 5:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearings to be held on: HB 65, HB 242 w/HCS, HB 286 w/HCS,  
HB 289, HB 310 w/HCS, HB 86

**RURAL COMMUNITY DEVELOPMENT**

Tuesday, February 17, 2009, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 234, HB 283

**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, February 18, 2009, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 30

**SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE**

Tuesday, February 17, 2009, 5:00 p.m. Hearing Room 1.  
Possible Executive session.  
Public hearings to be held on: HB 617, HB 534

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, February 17, 2009, 12:00 p.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: HB 267, HB 540, HB 630

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Tuesday, February 17, 2009, 12:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearings to be held on: HB 61, HB 218, HB 229

**SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING**

Tuesday, February 17, 2009, 5:00 p.m. Hearing Room 4.  
Executive session will follow.  
Public hearing to be held on: HB 360

**SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 275, HB 513, HB 388

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

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 481

Executive session will be held on: HB 258

**TAX REFORM**

Wednesday, February 18, 2009, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 248, HB 567

**TRANSPORTATION**

Tuesday, February 17, 2009, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 41, HB 539, HB 165

**UTILITIES**

Tuesday, February 17, 2009, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 554

**VETERANS**

Tuesday, February 17, 2009, House Chamber south gallery upon morning adjournment.

Executive session only.

**HOUSE CALENDAR**

TWENTY-THIRD DAY, TUESDAY, FEBRUARY 17, 2009

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 29

**HOUSE BILLS FOR SECOND READING**

HB 717 through HB 744

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 111 - Day

**SENATE BILLS FOR SECOND READING**

- 1 SB 31
- 2 SCS SB 47