

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-THIRD DAY, TUESDAY, FEBRUARY 17, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

*(We have just considered the education of children, and we will again.)*

We praise and thank You, Almighty God! You are Father of all, and You call us to be Your sons and daughters. We pray for our sons and daughters and for the children of all parents across our state.

Guide us to do what is right and what will be effective so that all children might have a good education. We pray that all children receive an education that helps them develop intellectually, morally and physically, allowing them to get good jobs and become responsible citizens.

We pray for their parents. Help them establish homes of love, security and stability, that nurture their children in the virtues and good values intended by You, Almighty God, our God forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 152

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	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	Sander	Sater	Scavuzzo	Schaaf

Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 005

Bringer	Brown 73	Burnett	Low	Talboy
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PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Flook	Hughes	Stevenson	Webb
Webber				

Representative Viebrock assumed the Chair.

### **SPECIAL RECOGNITION**

The State Officers of the Missouri Future Farmers of America were introduced by Representative Viebrock.

Walter Redden, President of the Missouri Future Farmers of America, addressed the House.

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

House Resolution No. 688 through House Resolution No. 724

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Brown (50), et al., offered House Concurrent Resolution No. 30.

Representative Grill offered House Concurrent Resolution No. 31.

Representative Frame, et al., offered House Concurrent Resolution No. 32.

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 29** was read the second time.

### **SECOND READING OF HOUSE BILLS**

**HB 717** through **HB 744** were read the second time.

### **SECOND READING OF SENATE BILLS**

**SB 31** and **SCS SB 47** were read the second time.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 233** - Agriculture Policy
- HB 493** - Rural Community Development
- HB 504** - Veterans
- HB 681** - Elections
- HB 689** - Elementary and Secondary Education
- HB 740** - Budget
- HB 744** - Rules

### RE-REFERRAL OF HOUSE BILLS

The following House Bills were re-referred to the Committee indicated:

- HB 501** - Health Care Policy
- HB 595** - Special Standing Committee on General Laws

### COMMITTEE REPORTS

**Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 247**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

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

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 287**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 82**, 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.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 65**, 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 86**, 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 242 with House Committee Substitute**, 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 286 with House Committee Substitute**, 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 289**, 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 310 with House Committee Substitute**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### INTRODUCTION OF HOUSE BILLS

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

**HB 745**, introduced by Representatives Loehner, Pollock, Smith (150), Franz, Schad and Munzlinger, relating to state purchasing.

**HB 746**, introduced by Representative Bringer, relating to downtown revitalization preservation redevelopment projects.

**HB 747**, introduced by Representative Witte, relating to sexual contact with a prisoner or offender.

**HB 748**, introduced by Representatives Ervin, Flook, Brandom, Funderburk, Dusenberg, Ruestman, Nieves, Jones (89), Wilson (119), Wood and Bivins, relating to the Missouri high risk health insurance pool.

**HB 749**, introduced by Representatives Keeney, Cox, Diehl, Munzlinger and Hoskins (121), relating to voter registration for hunting and fishing permit applicants.

**HB 750**, introduced by Representatives Faith, Dixon, Kingery, Munzlinger and Tilley, relating to the practice of naturopathy medicine.

**HB 751**, introduced by Representatives Schad, Jones (117), Loehner, Sater, Franz, Pollock, Wells and Deeken, relating to the Missouri propane education and research act.

**HB 752**, introduced by Representatives Schieffer, Dixon, Kuessner, Tilley, LeVota, Roorda, Meadows, Fallert, Shively, Carter, Hodges, Casey, Hummel, Morris, Calloway, Yaeger, Faith, Brown (50), Gatschenberger and Weter, relating to transportation appointees.

**HB 753**, introduced by Representatives LeBlanc, Gatschenberger, Zimmerman, Flanigan, Curls, Parkinson, Jones (63), Calloway, Schieffer, Rucker and Lair, relating to notice by a landlord of a foreclosure action.

**HB 754**, introduced by Representatives Grill, Hodges and Atkins, relating to assaulting an athletic official.

**HB 755**, introduced by Representative Grill, relating to the posting of caloric content at food service establishments.

**HB 756**, introduced by Representatives Grill, Pace and Atkins, relating to prohibiting the sale of tobacco to minors.

**HB 757**, introduced by Representatives Grill, Pace and Atkins, relating to coordinated school health programs.

**HB 758**, introduced by Representatives Grill, Pace, Atkins and Walton Gray, relating to the child nutrition and wellness act of 2009.

**HB 759**, introduced by Representatives Grill, Pace, Atkins and Schieffer, relating to the diabetes prevention and health improvement act of 2009.

**HB 760**, introduced by Representatives Grill, Grisamore, Hodges, Pace, Atkins, Schieffer and Walton Gray, relating to health insurance coverage for autism spectrum disorder.

**HB 761**, introduced by Representatives Grill and Atkins, relating to medical records.

**HB 762**, introduced by Representatives Grill, Hodges, Atkins and Schieffer, relating to school board requirements.

**HB 763**, introduced by Representatives Grill, Hodges, Atkins and Schieffer, relating to the Missouri diploma and transcript act.

**HB 764**, introduced by Representatives Grill, Pace and Atkins, relating to early childhood education.

**HB 765**, introduced by Representatives Grill and Chappelle-Nadal, relating to the wireless telephone consumer protection act.

**HB 766**, introduced by Representatives Grill and Atkins, relating to clinical techniques for teeth whitening.

**HB 767**, introduced by Representative Grill, relating to tax credits for qualified film production projects.

**HB 768**, introduced by Representatives Grill and Schieffer, relating to a tax credit for purchasing Missouri-grown food products.

**HB 769**, introduced by Representatives Grill, Pace, Atkins, Schieffer and Chappelle-Nadal, relating to the prevention of identity theft.

**HB 770**, introduced by Representatives Grill, Pace, Atkins, Schieffer and Chappelle-Nadal, relating to consumer notification of security breaches.

**HB 771**, introduced by Representatives Grill, Pace, Schieffer and Walton Gray, relating to voter registration.

**HB 772**, introduced by Representatives Grill and Oxford, relating to ballots.

**HB 773**, introduced by Representatives Grill and Atkins, relating to the Missouri homestead preservation act.

**HB 774**, introduced by Representatives Grill and Atkins, relating to certain retirement amounts subtracted from Missouri adjusted gross income.

**HB 775**, introduced by Representative Grill, relating to license plates.

**HB 776**, introduced by Representative Grill, relating to the fairness for Missouri business act.

**HB 777**, introduced by Representative Yates, relating to annual financial reporting by certain insurers.

**HB 778**, introduced by Representative Brown (30), relating to a special license plate.

**HB 779**, introduced by Representative Parkinson, relating to the crime of possession of a gambling device.

**HB 780**, introduced by Representatives Hodges, Roorda, Schieffer, Todd, McClanahan, Talboy, Hughes, Grill, Rucker, Storch, Schoemehl and Lampe, relating to hospital patient safety.

**HB 781**, introduced by Representatives Frame, Skaggs, Komo, LeVota, Roorda and Low, relating to property assessments.

**HB 782**, introduced by Representatives Frame, Schieffer, Kander, Wildberger, Casey and LeVota, relating to family medical leave.

**HB 783**, introduced by Representatives Frame, Schieffer, McGhee, Wildberger and Casey, relating to sales and use tax exemptions.

**HB 784**, introduced by Representatives Frame, Wildberger and Casey, relating to the posting of gasoline prices.

**HB 785**, introduced by Representatives Frame, Schieffer, Harris, McGhee, Wildberger, Casey and LeVota, relating to property taxation.

**HB 786**, introduced by Representatives Frame, Schieffer, Casey and Komo, relating to eminent domain.

**HB 787**, introduced by Representative Smith (150), relating to administrative rules.

**HB 788**, introduced by Representative Corcoran, relating to distribution of county sales tax funds.

**HB 789**, introduced by Representative Corcoran, relating to lateral sewer service line fees.

**HB 790**, introduced by Representative Corcoran, relating to a sales tax for public safety purposes.

**HB 791**, introduced by Representatives Yates, Dusenberg, Roorda, Guernsey and Dieckhaus, relating to possession of a controlled substance.

**HB 792**, introduced by Representatives Kingery, Molendorp, Wilson (130), Smith (150), Guest, Thomson, Dusenberg, Brown (149), Still, Kelly, Biermann, Schoemehl, Calloway, McNeil and McClanahan, relating to the Access Missouri Program.

**HB 793**, introduced by Representative Grill, relating to acknowledgments of paternity.

**HB 794**, introduced by Representative Guest, relating to confidentiality of prescriptive information.

### COMMITTEE CHANGES

February 17, 2009

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

Dear Mr. Crumbliss:

I hereby remove Representative Steve Hobbs from the Joint Committee on Transportation Oversight and I hereby appoint Representative Bob Dixon.

I hereby remove Representative Mark A. Parkinson from the Joint Committee on Transportation Oversight and I hereby appoint Representative Brian Munzlinger.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

Speaker Pro Tem Pratt resumed the Chair.

The following members' presence was noted: Brown (50), Stevenson and Webber.

## **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, February 18, 2009.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, February 19, 2009, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 594

### **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**

Wednesday, February 18, 2009, 2:00 p.m. Hearing Room 1.

Higher Education institutions budget requests.

### **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**

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**

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

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

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

FISCAL REVIEW

Thursday, February 19, 2009, 8:30 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 298, HB 357

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.

JUDICIARY

Wednesday, February 18, 2009, Hearing Room 1 upon morning adjournment.

Executive session may follow. AMENDED

Public hearings to be held on: HB 396, HB 315, HB 652, HB 317,  
HB 475, HB 486, HB 256, HB 29

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

REAL ID AND PERSONAL PRIVACY

Wednesday, February 18, 2009, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HCR 13

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

Wednesday, February 18, 2009, 5:00 p.m. Hearing Room 4.

Possible Executive session.

Public hearing to be held on: HB 744

SENIOR CITIZEN ADVOCACY

Wednesday, February 18, 2009, 5:00 p.m. Hearing Room 1.

May go into Executive session.

Public hearings to be held on: HB 45, HB 156

SMALL BUSINESS

Wednesday, February 18, 2009, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearing to be held on: HB 162

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 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 URBAN ISSUES**

Monday, February 23, 2009, Hearing Room 5 upon afternoon adjournment.

Public hearings to be held on: HB 89, HB 438

Executive session will be held on: HB 116, HB 217, HB 363

**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

**STATE PARKS AND WATERWAYS**

Thursday, February 19, 2009, 8:30 a.m. Hearing Room 4.

Public hearings to be held on: HB 250, HB 208

**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

**TOURISM**

Thursday, February 19, 2009, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 345, HB 340, HB 128

**WAYS AND MEANS**

Thursday, February 19, 2009, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearings to be held on: HB 36, HB 353, HB 389, HB 664

**HOUSE CALENDAR**

TWENTY-FOURTH DAY, WEDNESDAY, FEBRUARY 18, 2009

**HOUSE BILLS FOR SECOND READING**

HB 745 through HB 794

**HOUSE BILLS FOR PERFECTION**

- 1 HB 65 - Wilson (119)
- 2 HB 86 - Sutherland
- 3 HB 242 w/HCS - Kingery
- 4 HB 310 w/HCS - Jones (89)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/18/09)

- 1 HB 286 w/HCS - Schaaf
- 2 HB 289 - Wallace

**HOUSE BILLS FOR THIRD READING**

HCS HB 96 - Wallace

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 111 - Day