

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

TWENTY-FOURTH DAY, WEDNESDAY, FEBRUARY 18, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord, our God, how majestic and glorious is Your name throughout the earth! You have covered the heavens with Your majesty. (*Psalms 8:1*)

Holy God, I praise You, this day, for Your authority and power which govern the affairs of mankind. Thank You for looking on us with compassion and mercy; calling us to seek what is just and right on behalf of all the citizens of this state.

May we each seek Your will as we decide the causes and concerns to which we will give our time, energy and attention. Guide us to the issues of greatest importance and may we consider and discuss them with wisdom so that Your will can be accomplished in our efforts.

May this prayer of ours be near You, Lord God, day and night, that You may maintain the cause of Your servant and the cause of the people we serve as each day may require.

This prayer is humbly spoken to You, in the name of Your Son. 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: Cora Elizabeth Skaggs.

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

AYES: 148

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	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
Flook	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky

Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 009

Bringer	Burnett	Hughes	Kander	Low
Still	Talboy	Webb	Witte	

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway	Cooper	Funderburk	Hodges	McClanahan
Rucker				

Speaker Pro Tem Pratt assumed the Chair.

SPECIAL RECOGNITION

The Blue Springs Lady Wildcats Softball Team was introduced by Representative Dusenberg and recognized for attaining the 2008 Class 4 State Championship.

HOUSE RESOLUTIONS

Representative Diehl offered House Resolution No. 734.
Representative Self, et al., offered House Resolution No. 736.
Representative El-Amin, et al., offered House Resolution No. 740.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 725 through House Resolution No. 733
House Resolution No. 735
House Resolution No. 737 through House Resolution No. 739

SECOND READING OF HOUSE BILLS

HB 745 through **HB 794** were read the second time.

Representative Cox assumed the Chair.

THIRD READING OF HOUSE BILL

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

On motion of Representative Wallace, **HCS HB 96** was read the third time and passed by the following vote:

AYES: 160

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	El-Amin	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	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	Low	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	Stevenson
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Burnett	Dougherty	Still
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Representative Cox declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

COMMITTEE REPORTS

Committee on Budget, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 23**, 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 Elementary and Secondary Education, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 236**, 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.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 682**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Healthcare Transformation, Chairman Schaaf reporting:

Mr. Speaker: Your Committee on Healthcare Transformation, to which was referred **HB 95**, 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.

Mr. Speaker: Your Committee on Healthcare Transformation, to which was referred **HB 459**, 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 Homeland Security, Chairman Dusenberg reporting:

Mr. Speaker: Your Committee on Homeland Security, to which was referred **HCR 16**, 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.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, President of the United States Barack H. Obama has, by executive order, ordered the Pentagon to close the Guantanamo Bay prison within one year; and

WHEREAS, many of the detainees currently imprisoned at Guantanamo Bay are suspected terrorists and have committed or are accused of committing egregious crimes against the United States of America, including but not limited to orchestrating attacks on the World Trade Center, the Pentagon, and another target in the nation's Capitol on September 11, 2001; and

WHEREAS, the safety and security of Missouri citizens is an issue of utmost importance to the Missouri General Assembly; and

WHEREAS, the manner and route of relocation and the ultimate destination of these terror suspects when transferred from the Guantanamo Bay prison remains unclear; and

WHEREAS, the transportation of these terror suspects through Missouri as they are routed to another military or federal detention center could pose an unnecessary risk to the safety, security, and lives of our citizens; and

WHEREAS, the temporary internment of these terror suspects in Missouri as they are transported to another military or federal detention center could pose an unnecessary risk to the safety, security, and lives of our citizens; and

WHEREAS, Missouri seeks the support of the state governments of Missouri's eight contiguous states - Arkansas, Illinois, Iowa, Kansas, Kentucky, Nebraska, Oklahoma, and Tennessee - in notifying our public safety officials of any attempt to transport terror suspects across our borders:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to reject any act of asylum, containment, transport, imprisonment, or medical care in regard to suspected terrorists from any United States operated foreign prison present within the State of Missouri; and

BE IT FURTHER RESOLVED that the Missouri General Assembly also encourages all of Missouri's contiguous states to adopt similar resolutions; 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 Barack H. Obama, President of the United States; the Majority Leader and Minority Leader of the United States Senate; the Majority Leader and Minority Leader of the United States House of Representatives; each member of the Missouri Congressional delegation; and the Governor of each of Missouri's eight contiguous states, and the President of the Senate and Speaker of the House of Representatives of each of the legislatures of Missouri's eight contiguous states.

Committee on Public Safety, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 580**, 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 Real ID and Personal Privacy, Chairman Guest reporting:

Mr. Speaker: Your Committee on Real ID and Personal Privacy, to which was referred **HCR 13**, 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.

HOUSE CONCURRENT RESOLUTION NO. 13

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 2009, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, Article IV, Section 4 says, "The United States shall guarantee to every State in the Union a Republican Form of Government", and the Ninth Amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

WHEREAS, the United States Supreme Court has rules in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

BE IT FURTHER RESOLVED that this concurrent resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and

BE IT FURTHER RESOLVED that all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; 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 the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House of Representatives and President of the Senate of each state's legislature, and each member of the Missouri Congressional delegation.

Special Standing Committee on Children and Families, Chairman Davis reporting:

Mr. Speaker: Your Special Standing Committee on Children and Families, to which was referred **HB 46** and **HB 434**, 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 744**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

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

HB 14, introduced by Representative Icet, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

INTRODUCTION OF HOUSE BILLS

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

HB 795, introduced by Representatives Dethrow, Franz, Sater, Ervin, Pollock, Day, Wells, Wallace, Schad, Dugger, Bandom and Self, relating to small businesses.

HB 796, introduced by Representatives Lampe and Grisamore, relating to mental health insurance coverage.

HB 797, introduced by Representatives Lampe and Grisamore, relating to mental health insurance coverage.

HB 798, introduced by Representative Scharnhorst, relating to an income tax deduction for educational expenses.

HB 799, introduced by Representatives Jones (89), Parkinson, Nieves, Scharnhorst, Funderburk, Emery, Leara, Smith (150), Pratt, Schad, Schoeller, Franz, Loehner and Parson, relating to unlawful discriminatory practices in employment.

HB 800, introduced by Representative Cunningham, relating to property assessment.

HB 801, introduced by Representative Parkinson, relating to taxation of political subdivisions.

HB 802, introduced by Representatives Tracy, Tilley, Brown (149), Lipke, Dusenberg, Wright, Scharnhorst, Molendorp, Deeken, Flanigan, Bandom, Leara, Zerr, Dieckhaus, Guernsey, Wells, Hoskins (121), McNary, Riddle, Pratt, Smith (150), Hodges, Icet, Schoeller, LeBlanc, Sander, Funderburk, Dugger, Koenig, Allen, Parkinson, Richard and Diehl, relating to neighborhood assistance act.

HB 803, introduced by Representatives Wilson (130), Dethrow, Bivins and Atkins, relating to mandate-free health insurance policies.

HB 804, introduced by Representatives Wilson (130), Wasson, Bivins and Atkins, relating to notification of network changes by health carriers.

HB 805, introduced by Representatives Wilson (130), Jones (89), Wallace, Wasson, Atkins and Bivins, relating to professional relationships between teachers and school districts.

HB 806, introduced by Representatives Wilson (130), Wallace and Oxford, relating to the use of electronic wireless communications devices while driving.

HB 807, introduced by Representatives Wilson (130), Wallace and Bivins, relating to the designation of the official state waterway.

HB 808, introduced by Representatives Storch, Lampe, Talboy, Roorda, Oxford, Grill and Schieffer, relating to initiative or referendum petitions.

HB 809, introduced by Representatives McGhee, Hoskins (121), Yates and Largent, relating to a tax credit for processed biomass engineered fiber fuel.

HB 810, introduced by Representatives Schaaf and Kingery, relating to reproductive medicine.

HB 811, introduced by Representative Wasson, relating to dieticians.

HB 812, introduced by Representative Wasson, relating to barber licensure.

HB 813, introduced by Representatives Jones (117) and Munzlinger, relating to sheriff's processing fees for concealed carry endorsements.

HB 814, introduced by Representatives Emery, Nieves, Schaaf, Bivins, Ruestman, Jones (89), Parkinson, Schad, Burlison, Koenig, Wilson (119), Fisher (125), Flanigan, Dethrow, Davis, Smith (14), Allen, Kraus, Ruzicka, Stevenson, Guest, Icet, Kelly, Munzlinger, McNary, Schoeller, Cooper, Wasson, Parson, Wells, Meiners and Bruns, relating to the Fair Tax Act of 2009.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, February 19, 2009.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Twenty-third day, Tuesday, February 17, 2009, Page 337, Line 30, by inserting after the name "Stevenson" the following: ", Webb".

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 - 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 - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 23, 2009, 1:00 p.m. Hearing Room 6.
FY 2010 budget discussions for: Departments of Mental Health,
Health and Senior Services, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 24, 2009, 2:00 p.m. Hearing Room 5.
FY 2010 budget discussions for: Departments of Mental Health,
Health and Senior Services, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 25, 2009, 2:00 p.m. Hearing Room 5.
FY 2010 budget discussions for: Departments of Mental Health,
Health and Senior Services, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 26, 2009, 8:00 a.m. Hearing Room 5.
FY 2010 budget discussions for: Departments of Mental Health,
Health and Senior Services, and Social Services.

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.

FISCAL REVIEW

Thursday, February 19, 2009, 8:30 a.m. House Chamber south gallery.
All bills referred to committee.
Executive session may follow. CANCELLED

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)

Thursday, February 19, 2009, Hearing Room 6 upon morning adjournment.
Possible Executive session.
Public hearing to be held on: HB 287

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

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

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-FIFTH DAY, THURSDAY, FEBRUARY 19, 2009

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 14

HOUSE BILLS FOR SECOND READING

HB 795 through HB 814

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)
- 5 HB 744 - Icet

HOUSE BILLS FOR PERFECTION - CONSENT

(2/18/09)

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

HOUSE BILLS FOR THIRD READING - CONSENT

HCS HB 111 - Day