

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-FIFTH DAY, THURSDAY, FEBRUARY 19, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend Gary Shaw, Central Christian Center, Joplin, Missouri.

Heavenly Father,

As I stand in Your presence, in this beautiful hall of honor, my heart is filled with admiration and appreciation for the men and women who have occupied this place throughout history to represent the people of the great State of Missouri.

I pray Your divine wisdom, Your unbiased judgment and Your gracious love into each of these who have chosen to give a portion of their very valuable life to the service of the citizens of our state.

May they draw from Your fountain of knowledge and from Your storehouse of fair play, as they administer and create legislation that governs our state.

Bless those whose families have been separated because of their service and grant them Your loving protection.

Father, instill in all of us respect, honor, and a love for life and liberty that will allow us to serve with pride and dignity at all levels of local, state, and national government.

This day may Your presence fill this room and may this great body set aside personal agendas, pet projects, political bias and handle the affairs of our state in a prudent manner.

In these days of concern for our state and national economic welfare, let us not operate in fear, but help us to put on the shield of faith and to face the challenges before us with a determination that we will succeed and prosper, because we operate not in our strength, but under Your providential and divine order.

In Christ's name I pray, Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Orlando Hodges, Whitney Paul, Kristin Sanocki, Sam Meeks, Cameron Sullivan, Thomas Tobinon and Ellen Matheny.

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

AYES: 145

Allen  
Brandom

Atkins  
Brown 30

Aull  
Brown 50

Biermann  
Brown 149

Bivins  
Bruns

Burlison	Calloway	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	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker
NOES: 008				
Bringer	Brown 73	Hughes	Low	Oxford
Talboy	Webber	Witte		
PRESENT: 000				
ABSENT WITH LEAVE: 010				
Burnett	Cooper	Kelly	LeVota	Loehner
Meadows	Nolte	Roorda	Ruestman	Schaaf

Speaker Pro Tem Pratt assumed the Chair.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 741 through House Resolution No. 767

## SECOND READING OF HOUSE BILL - APPROPRIATIONS

**HB 14** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 795** through **HB 814** were read the second time.

**PERFECTION OF HOUSE BILL**

**HB 242, with HCS**, relating to a four-day school week, was taken up by Representative Kingery.

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

Representative Jones (89) raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Wilson (130) raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

**HB 242, with HCS, pending**, was laid over.

**REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 552** - Rules

**HR 736** - Rules

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 8** - Financial Institutions

**HCR 17** - Transportation

**HCR 22** - Veterans

**HCR 25** - Veterans

**HCR 29** - Special Standing Committee on Infrastructure and Transportation Funding

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 11** - Special Standing Committee on General Laws
- HJR 16** - Special Standing Committee on Children and Families
- HJR 17** - Budget
- HJR 20** - Agri-Business

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

- HB 14** - Budget
- HB 47** - Tax Reform
- HB 49** - Elections
- HB 67** - Elementary and Secondary Education
- HB 73** - Elementary and Secondary Education
- HB 92** - Public Safety
- HB 97** - International Trade and Immigration
- HB 104** - International Trade and Immigration
- HB 118** - Corrections and Public Institutions
- HB 130** - Agri-Business
- HB 134** - Public Safety
- HB 140** - Agri-Business
- HB 166** - Elementary and Secondary Education
- HB 184** - Judiciary
- HB 228** - Special Standing Committee on General Laws
- HB 288** - Special Standing Committee on Workforce Development and Workplace Safety
- HB 307** - Special Standing Committee on Children and Families
- HB 323** - Ways and Means
- HB 332** - Veterans
- HB 347** - Retirement
- HB 354** - Special Standing Committee on Infrastructure and Transportation Funding
- HB 356** - Rural Community Development
- HB 374** - Local Government
- HB 377** - Local Government
- HB 402** - Ways and Means
- HB 414** - Judiciary
- HB 428** - Conservation and Natural Resources
- HB 461** - Special Standing Committee on General Laws
- HB 491** - Retirement
- HB 500** - International Trade and Immigration
- HB 521** - Veterans
- HB 531** - Insurance Policy
- HB 535** - Judiciary
- HB 543** - Elections

- HB 558** - International Trade and Immigration
- HB 570** - Special Standing Committee on Children and Families
- HB 573** - Local Government
- HB 577** - Insurance Policy
- HB 593** - Retirement
- HB 600** - Judiciary
- HB 612** - Local Government
- HB 615** - Crime Prevention
- HB 619** - Crime Prevention
- HB 620** - Veterans
- HB 623** - Crime Prevention
- HB 625** - Ways and Means
- HB 647** - Energy and Environment
- HB 658** - Agri-Business
- HB 659** - Elementary and Secondary Education
- HB 660** - Energy and Environment
- HB 663** - Healthcare Transformation
- HB 668** - Agri-Business
- HB 669** - Elementary and Secondary Education
- HB 670** - Elections
- HB 671** - Veterans
- HB 672** - Elections
- HB 678** - Veterans
- HB 679** - Special Standing Committee on Professional Registration and Licensing
- HB 684** - Ways and Means
- HB 685** - Public Safety
- HB 691** - Healthcare Transformation
- HB 695** - Elections
- HB 696** - Transportation
- HB 703** - Special Standing Committee on General Laws
- HB 709** - Elections
- HB 710** - Local Government
- HB 716** - Health Care Policy
- HB 718** - Local Government
- HB 733** - Agri-Business
- HB 736** - Public Safety
- HB 737** - Ways and Means
- HB 738** - Veterans
- HB 739** - Elections
- HB 743** - Special Standing Committee on General Laws
- HB 745** - Agriculture Policy
- HB 746** - Job Creation and Economic Development
- HB 748** - Special Standing Committee on Health Insurance
- HB 749** - Agri-Business
- HB 750** - Special Standing Committee on Professional Registration and Licensing
- HB 751** - Energy and Environment
- HB 753** - Special Standing Committee on Urban Issues

- HB 760** - Health Care Policy
- HB 779** - Special Standing Committee on General Laws
- HB 786** - Agri-Business
- HB 787** - Special Standing Committee on Workforce Development and Workplace Safety
- HB 788** - Local Government
- HB 789** - Local Government
- HB 790** - Local Government
- HB 795** - Small Business
- HB 796** - Health Care Policy
- HB 797** - Health Care Policy
- HB 800** - Ways and Means

### **COMMITTEE REPORTS**

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 69**, 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 Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 287**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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

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

**HJR 30**, introduced by Representatives Aull, Lampe, Roorda, Kuessner, Englund, Witte, Yaeger, Quinn, Frame, Schoemehl, Storch, Hodges, Schupp, Scavuzzo, Brown (50), Fallert, Fischer (107), Holsman, Wallace, Talboy, Liese and Komo, relating to bonded indebtedness of school districts.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 815**, introduced by Representatives Meadows, Dixon and Kuessner, relating to modification of penalties.

**HB 816**, introduced by Representatives Meadows, Fallert, Yaeger, Frame, Atkins, Roorda, Walsh and Webber, relating to prohibited acts on excursion gambling boats.

**HB 817**, introduced by Representative Storch, relating to low-profit limited liability companies.

**HB 818**, introduced by Representative Aull, relating to school violence prevention.

**HB 819**, introduced by Representatives Cooper, Denison, Kraus, Jones (117), Guernsey, Allen, Roorda, Storch, Zerr, Jones (63) and Bruns, relating to public access to defibrillators.

**HB 820**, introduced by Representatives Fischer (107), Roorda, Fallert, LeVota, Corcoran, Komo and Casey, relating to the law enforcement safety fund.

**HB 821**, introduced by Representatives Cooper, Pollock and Schad, relating to county courts in first class counties.

**HB 822**, introduced by Representative Skaggs, relating to a surcharge in criminal cases.

**HB 823**, introduced by Representative Skaggs, relating to insurance credit scoring.

**HB 824**, introduced by Representative Skaggs, relating to library reports.

**HB 825**, introduced by Representatives Jones (89), Walsh, Scharnhorst, Icet, Koenig, Leara, Roorda, Pollock, McNary, Atkins and Parkinson, relating to storm water management fees.

**HB 826**, introduced by Representatives Brown (149), McGhee, Tilley, LeVota, Wildberger and Lair, relating to sexually violent predators.

**HB 827**, introduced by Representative El-Amin, relating to a tax credit for certain taxpayers who participate in the child initiative program.

**HB 828**, introduced by Representative Roorda, relating to proposed ordinances in cities of the third classification.

**HB 829**, introduced by Representatives Nolte, Nance, Silvey and Atkins, relating to educational facilities.

**HB 830**, introduced by Representative Lipke, relating to assessing costs in cases which are dismissed prior to a plea or finding of guilt.

**HB 831**, introduced by Representatives Molendorp and Tilley, relating to community-based health maintenance organizations.

### 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 **SCR 17**.

#### SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, the Council of State Governments is a nonpartisan, nonprofit organization which forecasts policy trends for the community of states, commonwealths, and territories on a national and regional basis; and

WHEREAS, the Council of State Governments serves executive, judicial, and legislative branches of state government through leadership education, research, and information services; and

WHEREAS, the Council of State Governments currently comprises four regions, including the Eastern Region, Midwestern Region, Southern Region, and Western Region; and

WHEREAS, the state of Missouri is currently a member of the Southern Region of the Council of State Governments; and

WHEREAS, the council's unique structure focuses on the needs and special concerns of the four regions of the United States; and

WHEREAS, as a member of the Southern Region of the Council of State Governments, the state of Missouri has been honored to work with the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia; and

WHEREAS, since the state of Missouri is physically located in the center of the United States in the region commonly known as the "Midwest", it would be more appropriate for the state to be a member of the Midwestern Region of the Council of State Governments:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby petition the Council of State Governments to remove the State of Missouri's membership from the Southern Region of the Council and place this state's membership into the Midwestern Council of State Governments; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Joe Manchin III of West Virginia, President of the Council of State Governments; Senator Bart Davis of Idaho, Chair of the Council of State Governments; Colleen Cousineau, Executive Director of the Southern Legislative Conference of the Council of State Governments; and Michael H. McCabe, Director of the Midwestern Region of the Council of State Governments.

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 **SS SCS SB 1**, entitled:

An act to repeal sections 208.010, 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-five new sections relating to preneed funeral contracts, with penalty provisions.

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 **SB 26**, entitled:

An act to repeal section 578.255, RSMo, and to enact in lieu thereof one new section relating to alcohol beverage vaporizers.

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 SBs 36 & 112**, entitled:

An act to repeal sections 559.115, 566.030, and 566.060, RSMo, and to enact in lieu thereof three new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

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 100**, entitled:

An act to repeal section 260.750, RSMo, and to enact in lieu thereof three new sections relating to the transportation of radioactive waste.

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 313**, entitled:

An act to amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

### COMMITTEE CHANGE

February 19, 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 Jacob Hummel from the Special Standing Committee on Workforce Development and Workplace Safety and appoint Representative Jamilah Nasheed to the Special Standing Committee on Workforce Development and Workplace Safety.

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

Sincerely,

/s/ Ron Richard  
Speaker

The following members' presence was noted: Cooper, Kelly, Loehner, Meadows, Nolte, Ruestman and Schaaf.

### ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, February 23, 2009.

## COMMITTEE MEETINGS

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Monday, February 23, 2009, 1:00 p.m. Hearing Room 5.

Committee discussion on recommendations for the Department of Agriculture.

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 24, 2009, 2:00 p.m. Hearing Room 4.

Committee discussion on recommendations for the Department of Conservation.

### APPROPRIATIONS - EDUCATION

Tuesday, February 24, 2009, 2:00 p.m. Hearing Room 1.

Institutions of Higher Education budget requests continued.

### 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.

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 25, 2009, Hearing Room 7 upon adjournment or 2:00 p.m., whichever is later.

Discuss committee report.

Executive session may be included.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, February 26, 2009, Hearing Room 7 upon adjournment or 2:00 p.m., whichever is later.

Discuss committee report.

Executive session may be included.

ELECTIONS

Tuesday, February 24, 2009, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HJR 9, HB 681

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 25, 2009, 8:00 a.m. Hearing Room 6.

Executive session at beginning of hearing.

Public hearings to be held on: HB 689, HB 542, HB 409, HB 304

HEALTH CARE POLICY

Tuesday, February 24, 2009, 8:00 a.m. Hearing Room 1.

CORRECTED NOTICE. Executive session may follow.

Public hearings to be held on: HB 569, HB 76, HB 79, HB 525

HEALTHCARE TRANSFORMATION

Tuesday, February 24, 2009, 5:00 p.m. Hearing Room 6.

Executive session may or may not follow.

We will hear speakers on the low wage trap.

Public hearings to be held on: HB 663, HB 691

HIGHER EDUCATION

Tuesday, February 24, 2009, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 631, HB 515

HOMELAND SECURITY

Monday, February 23, 2009, 5:00 p.m. Hearing Room 6.

Executive session.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Monday, February 23, 2009, 2:00 p.m. Hearing Room 1.

Election of Committee Chair and Vice Chair.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters, vote may be taken to close meeting.

PUBLIC SAFETY

Tuesday, February 24, 2009, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 33, HB 149, HB 330

**REAL ID AND PERSONAL PRIVACY**

Tuesday, February 24, 2009, 8:30 a.m. Hearing Room 7. CORRECTED

Public hearing to be held on: HB 53

Executive session will be held on: HB 361

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, February 24, 2009, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 84, HB 598, HB 703

**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

**TOURISM**

Thursday, February 26, 2009, 9:00 a.m. House Lounge.

Joint meeting of the House Tourism Committee and the

Senate Jobs, Economic Development and Local Government Committee.

Annual report of the Tourism Commission.

**TRANSPORTATION**

Tuesday, February 24, 2009, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 213, HB 278, HB 644

**HOUSE CALENDAR**

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 23, 2009

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 30

**HOUSE BILLS FOR SECOND READING**

HB 815 through HB 831

**HOUSE BILLS FOR PERFECTION**

- 1 HB 65 - Wilson (119)
- 2 HB 86 - Sutherland
- 3 HB 242 w/HCS, pending - Kingery
- 4 HB 310 w/HCS - Jones (89)
- 5 HB 744 - Icet
- 6 HB 287 - Day

**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

**SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 1
- 2 SB 26
- 3 SCS SBs 36 & 112
- 4 SCS SB 100
- 5 SCS SB 313