

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 25, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Awesome God, You see all and You know all! You rule over history and time, yet You are neither bound nor governed by them. We praise You because You are sovereign and You know both the beginning and the end and Your will shall be accomplished.

The discernment of Your will, Lord, is a challenging thing for anyone, but is especially necessary for leaders. As we seek You in prayer and through Your Word, make Your will obvious for each and every situation. Give us an unquenchable need to discern and carry out what You desire for our state. Guide us, this day, through sound counsel, open dialog, insightful interaction and composed responses.

We pray that You, Sovereign God, the source of hope, will fill us completely with joy and peace as we put our trust in You.

This prayer is humbly spoken to You, in the name of Your Son. Amen.

*(Portions 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: Sarah Schumann, Donna Sharpe, Kelsey Brown, Jennifer Carlin, Katie Topel, Kayla McKenzie and Emily DeTienne.

The Journal of the twenty-seventh day was approved as printed.

## **SPECIAL RECOGNITION**

The Orrick Bearcats High School Football Team was introduced by Representative Nance and recognized for attaining the 2008 State Championship.

Speaker Pro Tem Pratt assumed the Chair.

Speaker Richard resumed the Chair.

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

House Resolution No. 799 through House Resolution No. 815

**SECOND READING OF HOUSE BILLS**

**HB 844** through **HB 867** were read the second time.

**PERFECTION OF HOUSE BILLS**

**HB 86**, relating to a corporate franchise tax, was taken up by Representative Sutherland.

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

*House Amendment No. 1*

AMEND House Bill No. 86, Page 2, Section 147.010, Line 28, by inserting after the word "2010," the words "for any corporation which engages in the processing of goods as defined in section 144.054,".

Representative Roorda moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 050

Atkins	Aull	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Colona	Curls
El-Amin	Englund	Fallert	Fischer 107	Frame
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Kratky	Kuessner
LeBlanc	LeVota	Liese	Low	McClanahan
McNeil	Meadows	Morris	Nasheed	Norr
Pace	Roorda	Scavuzzo	Schoemehl	Schupp
Skaggs	Still	Talboy	Todd	Vogt
Walton Gray	Webb	Webber	Wildberger	Yaeger

NOES: 109

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 73	Brown 149	Bruns	Burlison	Chappelle-Nadal
Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Hughes
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Komo	Kraus	Lair	Lampe
Largent	Leara	Lipke	Loehner	McDonald
McGhee	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Oxford	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Shively	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wallace	Walsh	Wasson	Wells	Weter

Wilson 119	Wilson 130	Witte	Wood	Wright
Yates	Zerr	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 004

Cooper	Funderburk	McNary	Self
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Representative Nieves assumed the Chair.

On motion of Representative Sutherland, **HB 86** was ordered perfected and printed by the following vote:

AYES: 143

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	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	Flook	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icey	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 017

Bringer	Burnett	Colona	Frame	Kelly
Kuessner	LeVota	Low	McDonald	Oxford
Quinn	Roorda	Skaggs	Still	Talboy
Todd	Vogt			

PRESENT: 000

ABSENT WITH LEAVE: 003

Funderburk                      Pollock                      Self

**HB 310, with HCS**, relating to liquor control, was taken up by Representative Jones (89).

Representative Jones (89) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 310, Section 311.335, Page 4, Line 30, by deleting from said line the word "**such**"; and

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

On motion of Representative Jones (89), **House Amendment No. 1** was adopted.

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

Speaker Pro Tem Pratt resumed the Chair.

Representative Diehl raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Faith raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

**HB 310, with HCS, as amended, pending**, was laid over.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 86** - Fiscal Review (Fiscal Note)

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SB 313** - Rules

## COMMITTEE REPORTS

### **Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 14**, 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.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 740**, 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 Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 373**, 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.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 488**, 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.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 490**, 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 Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 187** and **HB 235**, 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 Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 148**, 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 Local Government, to which was referred **HB 376**, 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 Tax Reform**, Chairman Smith (14) reporting:

Mr. Speaker: Your Committee on Tax Reform, to which was referred **HB 248**, 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.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 316**, 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.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 540**, 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.

**Special Standing Committee on Health Insurance**, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **HB 218**, 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.

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **HB 229**, 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.

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **HB 259**, 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.

#### **ADVANCEMENT OF HOUSE CONSENT BILLS**

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 286** and **HB 289**.

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 34**, introduced by Representatives Dusenberg, Scharnhorst, Nieves, Stevenson, Davis, Dieckhaus, Brown (30), Jones (117), McGhee, Schad, Wallace, Riddle, Flook, Gatschenberger, Cox, Viebrock, Wilson (119), Kuessner, Thomson, McNary, Weter, Nance, Sater, Cooper, Schaaf, Dugger, Denison, Emery, Fisher (125), Lair, Brown (149), Wright, Kingery, Richard, Guernsey, Faith, Meadows, Fallert, Roorda, Loehner, Munzlinger, Wells, Zimmerman, Ervin, Swinger, Ruzicka, Bruns, Yates, Liese, Wasson, McDonald, Flanigan, Meiners, Calloway, Brown (50), Self, Hodges, Tracy, Pace, Atkins, Schlottach and Funderburk, relating to the designation of the Missouri State Highway Patrol's airport hangar in Jefferson City as the "Greim-May Memorial Hangar".

## INTRODUCTION OF HOUSE BILLS

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

**HB 868**, introduced by Representative Bringer, relating to waiver of costs and expenses in civil suits when the plaintiff is a poor person.

**HB 869**, introduced by Representative Skaggs, relating to credit card solicitation.

**HB 870**, introduced by Representatives Dixon, Cunningham, Nolte, Norr, Schaaf, Meiners, Pollock, Wilson (119), Jones (117), McClanahan and Chappelle-Nadal, relating to fine arts education.

**HB 871**, introduced by Representatives Dixon, Lampe and Grisamore, to authorize the conveyance of property owned by the state in Greene County to the Arc of the Ozarks.

**HB 872**, introduced by Representative Ervin, relating to business personal property.

**HB 873**, introduced by Representative Schaaf, relating to student financial aid.

**HB 874**, introduced by Representatives Calloway, Carter, Roorda, Kander, Oxford, Yaeger, Atkins and McGhee, relating to a one dollar fee in civil cases.

**HB 875**, introduced by Representatives Largent, Leara, Munzlinger, Wilson (130), Flanigan, Burlison, Guernsey and Riddle, relating to firearms.

**HB 876**, introduced by Representative Deeken, relating to state employees.

**HB 877**, introduced by Representative Parson, relating to information about meningococcal vaccinations.

**HB 878**, introduced by Representatives Bivins, Nasheed, Cooper, Walsh, Zerr, Meadows, Holsman, McNary and Jones (89), relating to misuse of emergency telephone service.

**HB 879**, introduced by Representatives Kirkton, Schupp, Jones (63), Yaeger, McNeil, Storch, Lampe, Walton Gray, Oxford, Curls, Atkins, Sater, LeBlanc, Morris, Carter, Stream, Deeken, Still, Faith and Brown (73), relating to child support.

**HB 880**, introduced by Representative Brown (30), relating to motor vehicle safety inspections.

**HB 881**, introduced by Representative Brown (30), relating to political subdivisions.

**HB 882**, introduced by Representatives Kraus, Bivins, Yates, LeVota, Talboy, Holsman, Largent, Jones (117) and Zimmerman, relating to energy efficiency investments by electric and gas corporations.

**HB 883**, introduced by Representatives Flook, Corcoran, Grisamore, LeVota, Ervin, Denison, McGhee, Gatschenberger, Grill, Wildberger, Yaeger, Faith, Kratky, Guernsey, Roorda, Dusenberger, Schieffer and Komo, relating to the state treasurer.

**HB 884**, introduced by Representatives Roorda, Holsman, Meadows, Bruns, Hodges, Wildberger, Colona, Schieffer, Fischer (107), Aull, Norr, Schoeller, Corcoran, Brown (50), Lampe, Pace, Hughes, Smith (14), Dieckhaus and Brown (73), relating to public safety officers soliciting charitable contributions.

### 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 **SS SCS SB 128**, entitled:

An act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Emergency clause adopted.

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 140**, entitled:

An act to repeal section 568.040, RSMo, and to enact in lieu thereof two new sections relating to criminal nonsupport, with penalty provisions.

In which the concurrence of the House is respectfully requested.

### COMMUNICATIONS

February 24, 2009

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65102

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a record of a possible personal interest in legislation or appropriations on which the House of Representatives may vote during the legislative session. My husband and I have an investment in a security technology company whose program(s) may be considered for purchase by the State of Missouri or Missouri entities that might be eligible for State tax dollars or credits. We have less than a ten percent interest in the company.

In compliance with Section 105.461, please publish this letter in the Journal of the House. I thank you for your attention to this matter.

Sincerely yours,

/s/ Jill Schupp  
State Representative  
District 82

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February 25, 2009

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

Dear Mr. Crumbliss:

Pursuant to Chapters 105.452 to 105.461, RSMo, this letter is an official advisory that my husband is a member of the Missouri State Highway Patrol (MSHP); and some of the issues, bills and amendments that I will be voting on could have a direct impact on our family, in the same manner in which other similarly situated members of the MSHP are affected.

In order to comply with Chapters 105.452 to 105.461, RSMo, please publish this report in the Journal of the House.

Sincerely,

/s/ Shelley Keeney  
State Representative

The following member's presence was noted: Self.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, February 26, 2009.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Thursday, February 26, 2009, 8:00 a.m. Hearing Room 6.

Work session on HB 594.

Executive session may follow.

Public hearings to be held on: HB 426

#### **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. CANCELLED

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. CANCELLED

ENERGY AND ENVIRONMENT

Tuesday, March 3, 2009, 8:30 a.m. Hearing Room 1.

Public hearings to be held on: HB 751, HB 495, HB 660, HB 472

FISCAL REVIEW

Thursday, February 26, 2009, 8:30 a.m. Hearing Room 7.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Monday, March 2, 2009, 7:00 p.m. Hearing Room 1.

Working meeting.

LOCAL GOVERNMENT

Monday, March 2, 2009, Hearing Room 7 upon afternoon adjournment.

Executive session to be held.

RETIREMENT

Thursday, February 26, 2009, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 125, HB 210, HB 214, HB 397

RULES

Thursday, February 26, 2009, Hearing Room 6 upon morning adjournment.

Possible Executive session.

Public hearing to be held on: SCS SB 313

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 2, 2009, Hearing Room 5 upon afternoon adjournment.

Public hearings to be held on: HB 217, HB 753, HB 836

Executive session will be held on: HB 217

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.

WAYS AND MEANS

Thursday, February 26, 2009, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearings to be held on: HB 323, HB 402, HB 528, HB 737, HB 800

**HOUSE CALENDAR**

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 26, 2009

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 34

**HOUSE BILLS FOR SECOND READING**

HB 868 through HB 884

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 23 w/HCS - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HB 310 w/HCS, as amended, pending - Jones (89)
- 2 HB 82 w/HCS - Kraus
- 3 HB 459 w/HCS - Schaaf
- 4 HB 580 w/HCS - Bruns
- 5 HBs 46 & 434 w/HCS - Pratt

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/25/09)

HB 682 - Swinger

**HOUSE BILLS FOR THIRD READING**

- 1 HB 744, E.C. - Icet
- 2 HB 65, (Fiscal Review 2-24-09) - Wilson (119)
- 3 HB 287 - Day
- 4 HCS HB 242 - Kingery
- 5 HB 86, (Fiscal Review 2-25-09) - Sutherland

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HCS HB 111 - Day
- 2 HCS HB 286 - Schaaf
- 3 HB 289 - Wallace

**SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 128
- 2 SCS SB 140

**HOUSE CONCURRENT RESOLUTIONS**

HCR 16 w/HCS, (2-18-09, Pages 346-347) - Tracy

**HOUSE RESOLUTIONS**

- 1 HR 552, (2-24-09, Pages 386-387) - Dethrow
- 2 HR 736, (2-24-09, Pages 387-389) - Self