

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

FORTIETH DAY, MONDAY, MARCH 23, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Glorious God, You are awesome and mighty, lifting up those who You desire to lift up and putting down those You desire to put down (*Ps. 75:7*). I am confident that You are pleased when we demonstrate our dependency on You by coming to You with our thoughts, aspirations, plans and prayers.

Lord, not only are we called to be legislators, administrators, professionals in our own right, but we are also called with a holy calling to counsel with and encourage one another. We do this regardless of our personal leanings or alliances. Lord help us to put aside those personal agendas that foster division rather than harmony in order that we may truly hear one another. Who knows that maybe we have been called to lead in such a time as this. Enable us, precious God, to be faithful in this calling.

Now may You, the Lord of peace, give us peace always in every way. The Lord be with us all.

I ask these things in the name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-eighth day was approved as corrected.

The Journal of the thirty-ninth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1178 through House Resolution No. 1273

HOUSE CONCURRENT RESOLUTION

Representative Davis offered House Concurrent Resolution No. 43.

SECOND READING OF HOUSE BILLS

HB 1043 through **HB 1049** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 202 and **SCS SB 231** were read the second time.

COMMITTEE REPORTS

Committee on Rules, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 3**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 4**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 5**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 6**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 7**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 8**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 10**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 11**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 12**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 13**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 10 hours total debate on Perfection for HB 1 through HB 13**.

SUPPLEMENTAL CALENDAR

MARCH 23, 2009

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HB 1 - Icet
HCS HB 2 - Icet
HCS HB 3 - Icet
HCS HB 4 - Icet
HCS HB 5 - Icet
HCS HB 6 - Icet
HCS HB 7 - Icet
HCS HB 8 - Icet
HCS HB 9 - Icet
HCS HB 10 - Icet
HCS HB 11 - Icet
HCS HB 12 - Icet
HB 13 - Icet

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 14, as amended, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that **SCS HCS HB 14, as amended**, be adopted.

Representative LeVota made a substitute motion that the House refuse to concur in **SCS HCS HB 14, as amended**, and request that the Senate grant a conference thereon and that the conferees be allowed to exceed the differences to provide health care for more than 22,000 Missouri children.

Representative Parkinson raised a point of order that the substitute motion is out of order in that it goes beyond the Governor's call on a supplemental appropriations bill.

The Chair ruled the point of order well taken.

SCS HCS HB 14, as amended, was laid over.

PERFECTION OF HOUSE BILL

HCS HB 427, relating to the Veterans' Commission and grants, was taken up by Representative Largent.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 427, Section 173.234, Page 6, Line 106, by inserting immediately after said line the following:

"173.1155. Notwithstanding any other provision of law, all dependents, as defined by 37 U.S.C. Section 401, of active duty military personnel, or activated or temporarily mobilized reservists or guard members, assigned to a permanent duty station or workplace geographically located in this state, who reside in this state, shall be deemed to be domiciled in this state for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition at public institutions of higher education in this state. All such dependents shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as he or she is continuously enrolled in an undergraduate or graduate degree program of an institution of higher education in Missouri, or transferring between Missouri institutions of higher education or from an undergraduate degree program to a graduate degree program."; and

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

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

On motion of Representative Largent, **HCS HB 427, as amended**, was adopted.

On motion of Representative Largent, **HCS HB 427, as amended**, was ordered perfected and printed.

HOUSE CONCURRENT RESOLUTION

HCS HCRs 22 & 25, relating to Whiteman Air Force Base, was taken up by Representative Hoskins (121).

On motion of Representative Hoskins (121), **HCS HCRs 22 & 25** was adopted by the following vote:

AYES: 153

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 73	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	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	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	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	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Storch	Sutherland	Swinger	Talboy	Thomson
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: 010

Brown 50	Chappelle-Nadal	Icet	Norr	Roorda
Salva	Spreng	Still	Stream	Tilley

PERFECTION OF HOUSE BILLS

HCS HB 661, relating to tire disposal, was taken up by Representative Ruzicka.

On motion of Representative Ruzicka, **HCS HB 661** was adopted.

On motion of Representative Ruzicka, **HCS HB 661** was ordered perfected and printed.

HB 248, relating to a tax exemption for stillborn children, was taken up by Representative Funderburk.

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

Representative Flanigan raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Funderburk, **HB 248** was ordered perfected and printed.

HCS HB 540, relating to lending institution services, was taken up by Representative Jones (89).

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

Representative Zerr 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 Lampe offered **House Amendment No. 2**.

Representative Zerr raised a point of order that **House Amendment No. 2** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Zerr 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.

On motion of Representative Jones (89), **HCS HB 540** was adopted.

On motion of Representative Jones (89), **HCS HB 540** was ordered perfected and printed.

HCS HBs 320, 39 & 662, relating to an income tax credit for storm shelters, was taken up by Representative Swinger.

On motion of Representative Swinger, **HCS HBs 320, 39 & 662** was adopted.

On motion of Representative Swinger, **HCS HBs 320, 39 & 662** was ordered perfected and printed.

HOUSE CONCURRENT RESOLUTION

HCR 13, relating to the sovereignty of states, was taken up by Representative Guest.

On motion of Representative Guest, **HCR 13** was adopted.

COMMITTEE REPORT

Committee on Job Creation and Economic Development, Chairman Flook reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 575**, 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 BILLS

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

HB 1050, introduced by Representative Curls, relating to consumer cellular phone charges.

HB 1051, introduced by Representative Thomson, relating to the higher education energy savings project.

HB 1052, introduced by Representatives Jones (89) and Schoeller, relating to school enrollment.

HB 1053, introduced by Representative Dieckhaus, relating to research park annexation.

HB 1054, introduced by Representative Burnett, relating to attorneys.

HB 1055, introduced by Representative Pratt, relating to the uniform prudent management of institutional funds.

COMMUNICATION

March 19, 2009

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

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

I am hereby filing a written report pursuant to Section 105.461, RSMo. My wife is currently working as an independent licensing agent with a Department of Revenue licensing office.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention in this matter.

Sincerely,

/s/ Shane Schoeller

ELEMENTARY AND SECONDARY EDUCATION

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

Executive session at beginning of hearing.

Public hearings to be held on: HB 596, HB 805

ENERGY AND ENVIRONMENT

Tuesday, March 24, 2009, 8:30 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 896

FISCAL REVIEW

Thursday, March 26, 2009, 8:30 a.m. House Chamber south gallery.

All bills referred to this committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, March 25, 2009, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 355

HEALTHCARE TRANSFORMATION

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

Executive session may or may not follow.

Public hearings to be held on: HCR 28, HB 953, HB 987

INSURANCE POLICY

Wednesday, March 25, 2009, Hearing Room 4 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 367

PUBLIC SAFETY

Tuesday, March 24, 2009, Hearing Room 6 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 897, HCR 34

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

Tuesday, March 24, 2009, Hearing Room 5 upon afternoon adjournment.

Possible Executive session. CORRECTED

Public hearings to be held on: HCS HB 89, HB 103, HCS HB 128 & 340, HB 171, HCS HB 177, HCS HB 214, HCS HB 250, HB 255, HCS HB 237, HB 238, HCS HB 272, HCS HB 273, HCS HB 294, HCS HB 304, HCS HB 306, HCS HB 397, HCS HB 414, HB 482, HCS HB 485, HCS HB 525, HB 546, HB 593, HCS HB 622, HB 659, HCS HB 667, HB 683, HCS HB 685, HCS HB 689, HB 698, HB 709, HCS HB 736, HB 745, HB 746, HB 747, HCS HB 752, HB 802, HB 807, HB 826, HCS HB 836 & 753, HB 842, HCS HB 844, HB 859, HB 861, HCS HB 863, HB 866, HB 867, HCS HB 895, HCS HB 909, HCS HB 914, HB 918, HB 919, HB 922, HB 928, HCS HB 947, HB 652

SMALL BUSINESS

Wednesday, March 25, 2009, 12:00 p.m. Hearing Room 3.
Informational meeting with the Small Business Regulatory Fairness Board and the National Federation of Independent Business.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 25, 2009, 8:00 a.m. Hearing Room 1.
Public hearings to be held on: HB 570, HB 393

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 24, 2009, 12:00 p.m. Hearing Room 4.
Executive session may follow. AMENDED
Public hearings to be held on: HB 228, HB 244, HB 779, HB 864, HJR 11, SCS SB 242

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION & LICENSING

Wednesday, March 25, 2009, 12:00 p.m. Hearing Room 4.
Executive session may follow. CORRECTED
Public hearings to be held on: HB 750, HB 536, HB 945

TAX REFORM

Wednesday, March 25, 2009, 8:15 a.m. Hearing Room 5.
Executive session may follow.
Public hearings to be held on: HB 942, HB 958

TRANSPORTATION

Tuesday, March 24, 2009, Hearing Room 7.
12:00 p.m. or upon morning adjournment (whichever is later).
Executive session may follow.
Public hearings to be held on: HB 280, HB 778, HB 840, HB 906

HOUSE CALENDAR

FORTY-FIRST DAY, TUESDAY, MARCH 24, 2009

HOUSE BILLS FOR SECOND READING

HB 1050 through HB 1055

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- | | | |
|---|-----------------|--|
| 1 | HB 1- Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |
| 2 | HCS HB 2 - Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |
| 3 | HCS HB 3 - Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |
| 4 | HCS HB 4 - Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |
| 5 | HCS HB 5 - Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |
| 6 | HCS HB 6 - Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |
| 7 | HCS HB 7 - Icet | (10 hours total debate on Perfection for HB 1 through HB 13) |

8	HCS HB 8 - Icet	(10 hours total debate on Perfection for HB 1 through HB 13)
9	HCS HB 9 - Icet	(10 hours total debate on Perfection for HB 1 through HB 13)
10	HCS HB 10 - Icet	(10 hours total debate on Perfection for HB 1 through HB 13)
11	HCS HB 11 - Icet	(10 hours total debate on Perfection for HB 1 through HB 13)
12	HCS HB 12 - Icet	(10 hours total debate on Perfection for HB 1 through HB 13)
13	HB 13 - Icet	(10 hours total debate on Perfection for HB 1 through HB 13)

HOUSE BILLS FOR PERFECTION

1	HCS HB 205 - Parson
2	HB 258 - Jones (89)
3	HCS HB 382 - Cox
4	HCS HB 522 - Fisher (125)
5	HCS HBs 187 & 235 - Flook

HOUSE BILLS FOR PERFECTION - CONSENT

(3/11/09)

1	HCS HB 281 - Weter
2	HB 537 - Dixon
3	HB 544 - Smith (150)
4	HB 811 - Wasson
5	HB 812 - Wasson
6	HCS HB 358 - Day
7	HB 278 - Meiners
8	HB 644 - Wilson (Wilson (130),)
9	HB 326 - Sutherland
10	HCS HB 265 - Franz
11	HB 253 - Davis
12	HB 282 - Stevenson
13	HB 373 - Wallace
14	HB 210 - Deeken
15	HCS HBs 234 & 493 - Wood
16	HB 283 - Wood
17	HCS HB 231 - Yates
18	HB 132 - Fallert
19	HB 257 - Schieffer

(3/18/09)

HB 751 - Schad

HOUSE BILLS FOR THIRD READING - CONSENT

HB 229 - Ervin

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 14, as amended - Icet