

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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FORTY-NINTH DAY, MONDAY, APRIL 6, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we are instructed in Your Word, "Be very careful how You live – not as unwise but as wise, making the most of every opportunity, because these are difficult days. Don't act thoughtlessly, but try to find out and do whatever the Lord wills." (*Ephesians 5:15-18*)

Sovereign God, Your plans are perfect and Your ways are proper and just. We look to You and see the beauty of all You have designed. We trust in Your perfect will and Your way, particularly when it comes to the process of selecting and establishing law.

Lord God, assist us, in this House of Representatives, to desire what is best for our constituents, instead of what might bring individual gain or glory. Show us the value of asking You for insight and obedience to Your direction, in humble recognition of Your presence and love. Let us pursue integrity and honesty as we serve throughout this week.

Now may the Lord of peace Himself, 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 Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Emily Smith and Matthew Smith.

The Journal of the forty-eighth day was approved as printed by the following vote:

AYES: 140

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 73	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	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	Liese	Lipke	Loehner

McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Wildberger	Wilson (119)	Wilson (130)	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 007

Bringer	Burnett	Hughes	LeVota	Low
Talboy	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 016

Brown 50	Chappelle-Nadal	Colona	Cooper	Corcoran
Dusenberg	El-Amin	Funderburk	Grisamore	Hoskins 80
Meadows	Roorda	Schieffer	Smith 150	Viebrock
Webb				

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

House Resolution No. 1541 through House Resolution No. 1577

### **SECOND READING OF SENATE JOINT RESOLUTION**

**SS SJR 3** was read the second time.

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

**SCS SB 117, SS SCS SB 141, SCS SB 216, SS SB 291, SS SB 307, SB 378, SS SCS SB 406, and SS SCS SB 539** were read the second time.

### **PERFECTION OF HOUSE BILLS**

**HCS HB 495**, relating to local telecommunications carriers, was taken up by Representative Parson.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 495, Section 392.460, Page 2, Line 6, by deleting the word "a" on said line and inserting in lieu thereof the words "**an incumbent**"; and

Further amend said substitute, section, and page, Line 13, by inserting immediately after the word "**services**" on said line the following:

**", including voice over internet protocol services"; and**

Further amend said substitute, section, and page, Lines 24 - 25, by deleting all of said lines and inserting in lieu thereof the following:

**"customers of basic local or basic interexchange telecommunications service or [access thereto] access to local voice service and is not otherwise contrary to public interest."; and**

Further amend said substitute, section, and page, Line 26, by deleting the word "**in**" on said line and inserting in lieu thereof the word "**of**"; and

Further amend said substitute, and section, Page 3, Line 47, by deleting the word "**automatically**" on said line; and

Further amend said substitute, section, and page, Line 54, by inserting immediately after the word "**filed**" on said line the following:

**", unless the commission determines that good cause exists to delay the determination for an additional ninety days and that such delay is not likely to have a materially adverse effect upon consumers of telecommunications services"; and**

Further amend said substitute, section, and page, Line 63, by deleting all of said line and inserting in lieu thereof the following:

**"7. If all conditions described in subsection 3 and the conditions that form the basis for relief under subsection 5 of this section cease to exist at"; and**

Further amend said substitute, and section, Page 4, Lines 82 - 83, by deleting all of said lines and inserting in lieu thereof the following:

**"If the conditions described in subsection 3 or the conditions that form the basis for relief under subsection 5 of this section again exist at the real property, the relief in subsection 3 or 5 of this section shall again apply."; and**

Further amend said substitute, section, and page, Line 86, by deleting the first "**possess**" on said line and inserting in lieu thereof the word "**possesses**"; and

Further amend said substitute, section, and page, Line 103, by deleting all of said line and inserting in lieu thereof the following:

**"11. Notwithstanding other provisions of this chapter or chapter 386, RSMo, an"; and**

Further amend said substitute, section, and page, Line 109, by inserting immediately after all of said line the following:

**"13. When a local exchange carrier is relieved of the carrier of last resort obligation to serve in a designated area, in no instance shall the carrier of last resort obligation be transferred to any alternative service**

provider or provider of local voice service, including interconnected voice over internet protocol service in that designated service area."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 495, insert on Page 2, Section 392.460, after Line 10, the following:

**"(3) "Local telecommunications exclusivity contract," any contractual agreement entered into between an owner or developer of real property in Greenfield areas and a local exchange carrier or other provider of local voice services, where the contractual agreement provides for favorable terms, conditions, or economic incentives to the developer in return for a guarantee that no other local exchange carrier or provider of local voice services will be permitted to supply facilities and services to residents or tenants of the real property in question.";**

And renumber accordingly.

Further amend on Page 4, Section 392.460, after Line 109, the following:

**"13. Any local telecommunications exclusivity contract, entered into after the effective date of this legislation and affecting more than 50 natural persons as residents or tenants of the real property subject to the local telecommunications exclusivity contract, shall be voidable upon receipt by the Commission of a petition containing the names, addresses, and signatures of not less than 60% of the individual residents or tenants of the real property subject to the local telecommunications exclusivity contract. Upon a finding by the Commission that the petition is authentic and has been properly filed, the Commission may determine that a need for competitive telecommunications services exists on the real property in question and may void the exclusivity provisions of the local telecommunications exclusivity contract. The Commission in making its determination shall consider the economic interests of all telecommunications consumers affected by the contract in making its determination. The Commission shall not void any portion of a contract if it determines that a substantial portion of the real property in question remains undeveloped, unleased, or unsold, such that the petitioning consumers may not represent a true majority of the eventual landowners or tenants."**

Representative Holsman moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Nieves assumed the Chair.

On motion of Representative Parson, **HCS HB 495, as amended**, was adopted.

On motion of Representative Parson, **HCS HB 495, as amended**, was ordered perfected and printed.

**HCS HB 299**, relating to appropriations for the Missouri Arts Council, was taken up by Representative Wilson (119).

On motion of Representative Wilson (119), **HCS HB 299** was adopted.

On motion of Representative Wilson (119), **HCS HB 299** was ordered perfected and printed.

**HCS HB 863**, relating to the Child Witness Protection Act, was taken up by Representative Dixon.

On motion of Representative Dixon, **HCS HB 863** was adopted.

On motion of Representative Dixon, **HCS HB 863** was ordered perfected and printed.

**HCS HB 250**, relating to the use of public lands, was taken up by Representative Wilson (119).

Representative Fischer (107) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 250, Page 1, Section 8.890, Line 6, by deleting the words "**or necessary maintenance**" and inserting in lieu thereof the following:

**", necessary maintenance, or for reasons related to the missions of the department of conservation or the department of natural resources so long as a written statement is posted at the trailhead stating the cause and estimated duration of the closure";** and

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

On motion of Representative Fischer (107), **House Amendment No. 1** was adopted.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Wilson (119), **HCS HB 250, as amended**, was adopted.

On motion of Representative Wilson (119), **HCS HB 250, as amended**, was ordered perfected and printed.

**HCS HB 909**, relating to a conveyance in Cape Girardeau County, was taken up by Representative Brandom.

On motion of Representative Brandom, **HCS HB 909** was adopted.

On motion of Representative Brandom, **HCS HB 909** was ordered perfected and printed.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1101** - Small Business

**HB 1115** - Elementary and Secondary Education

## INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

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

**HB 15**, introduced by Representative Icet, to appropriate money for supplemental purposes for the several departments and offices of state government, 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.

## WITHDRAWAL OF HOUSE BILL

April 6, 2009

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

Mr. Chief Clerk:

I respectfully request withdrawal of **House Bill No. 1154**, relating to employment at-will.

Thank you.

Yours truly,

/s/ Jason Kander

The following members' presence was noted: Corcoran, Cooper, Dusenberg, Funderburk, Grisamore, Hoskins (80), Meadows, Roorda, Smith (150) and Viebrock.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, April 7, 2009.

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Tuesday, April 7, 2009, 9:00 a.m. Hearing Room 4.

Possible Executive session.

Public hearing to be held on: HCR 45

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, April 8, 2009, 12:00 p.m. Hearing Room 7.

Hearing and presentation by METRO.

**BUDGET**

Wednesday, April 8, 2009, 8:00 a.m. Hearing Room 3.  
Executive session may follow.  
Public hearing to be held on: HB 1129

**BUDGET**

Thursday, April 9, 2009, 8:00 a.m. Hearing Room 3.  
Executive Branch testimony regarding: Re-appropriations Maintenance and Repair;  
Capital Improvements.

**CONSERVATION AND NATURAL RESOURCES**

Wednesday, April 8, 2009, 9:00 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: SB 272

**CORRECTIONS AND PUBLIC INSTITUTIONS**

Tuesday, April 7, 2009, 8:00 a.m. Hearing Room 3.  
Executive session may follow.  
Public hearings to be held on: SCS SB 15, SCS SB 179, SB 435

**ELECTIONS**

Tuesday, April 7, 2009, 8:00 a.m. Hearing Room 5.  
Executive session. AMENDED

**ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, April 8, 2009, 8:00 a.m. Hearing Room 6.  
Executive session may be held. AMENDED  
Public hearings to be held on: HB 1115, HB 222, SB 79, SB 55

**ENERGY AND ENVIRONMENT**

Tuesday, April 7, 2009, 8:30 a.m. Hearing Room 1.  
Possible Executive session.  
Public hearings to be held on: HB 978, HB 1028

**FISCAL REVIEW**

Thursday, April 9, 2009, 8:30 a.m. Hearing Room 7.  
All other bills referred to committee.  
Executive session may follow. AMENDED  
Public hearing to be held on: HCS HB 95

**HEALTH CARE POLICY**

Wednesday, April 8, 2009, Hearing Room 6, 12:00 p.m. or upon morning recess.  
Executive session may follow.  
Public hearings to be held on: HB 900, HB 901, SB 147, SCS SB 157, SCS SB 176

HEALTHCARE TRANSFORMATION

Tuesday, April 7, 2009, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 986

HIGHER EDUCATION

Tuesday, April 7, 2009, 8:00 a.m. Hearing Room 6.

Discuss Access Missouri. AMENDED

Public hearings to be held on: SCS SB 152, SB 255

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 7, 2009, 5:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1029, HB 1074, HB 1019,  
HB 1062, HB 1053, HB 1005, SB 377

LOCAL GOVERNMENT

Wednesday, April 8, 2009, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearings to be held on: HB 612, SB 38, SB 122,  
SCS SBs 165, 164, 248 & 168, SB 256, SB 266, SB 276,  
SB 337, SB 387, SB 399, SB 447, SB 507

PUBLIC SAFETY

Tuesday, April 7, 2009, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 484, SCS SB 47, SB 263, SCS SB 468

REAL ID AND PERSONAL PRIVACY

Tuesday, April 7, 2009, 8:30 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1014

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

Tuesday, April 7, 2009, Hearing Room 5 upon afternoon adjournment.

Possible Executive session. AMENDED

Public hearings to be held on: HJR 11, HCS HJR 16, HCR 19, HCS HJR 32,  
HCS HB 162, HCS HB 217, HCS HB 228, HCS HB 246, HCS HB 316,  
HB 321, HCS HB 361, HCS HB 363, HCS HB 384, HCS HB 387, HCS HB 390,  
HB 515, HCS HB 566, HCS HBs 568 & 534, HCS HB 735, HCS HB 799,  
HCS HBs 915 & 923, HCS HB 883, SB 66, HCS SCS SB 242, SB 277, HCS SB 421

RURAL COMMUNITY DEVELOPMENT

Wednesday, April 8, 2009, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: SB 154, SB 196

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 8, 2009, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 393, SB 232

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, April 7, 2009, Hearing Room 1 upon afternoon adjournment.

Possible Executive session.

Public hearings to be held on: SB 526, SCS SB 153, SCR 8

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 7, 2009, Hearing Room 4 upon morning adjournment.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1009, HB 1055, SCS SB 394, SB 396, SCS SB 188

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, April 7, 2009, 12:00 p.m. Hearing Room 5.

Executive session may follow

Public hearings to be held on: HB 886, SCS#2 SB 9

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Tuesday, April 7, 2009, Hearing Room 4 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: SCS SB 100, SS SCS SB 128

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 8, 2009, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 536, HB 1026, SB 296, SCS SB 318

TRANSPORTATION

Tuesday, April 7, 2009, Hearing Room 7.

12:00 p.m. or upon morning adjournment (whichever is later).

Executive session may follow.

Time for testimony on each bill may be limited.

Senate bills will be presented first. AMENDED

Public hearings to be held on: HB 1049, HB 1084, HB 1017, HB 1082, HB 1056, SS SB 58, SB 31, SCS SB 134, SCS SB 293

UTILITIES

Tuesday, April 7, 2009, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1016

VETERANS

Tuesday, April 7, 2009, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 738, HB 492

**HOUSE CALENDAR**

FIFTIETH DAY, TUESDAY, APRIL 7, 2009

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 15

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 10 - Cox
- 2 HCS HJR 36 - Emery

**HOUSE BILLS FOR PERFECTION**

- 1 HB 258 - Jones (89)
- 2 HCS HB 522 - Fisher (125)
- 3 HCS HB 703 - Jones (89)
- 4 HCS HB 497 - Ervin
- 5 HB 354 - Schlottach
- 6 HB 30 - Brandom
- 7 HCS HB 575 - Diehl
- 8 HCS HB 414 - Low
- 9 HCS HB 967 - Hobbs
- 10 HB 746 - Bringer
- 11 HCS HBs 620 & 671 - Hoskins (121)
- 12 HB 952 - Sutherland
- 13 HB 170 - Cox
- 14 HCS HB 631 - Jones (89)
- 15 HCS HBs 658 & 706 - Dugger
- 16 HCS HB 668 - Jones (117)
- 17 HCS HB 330 - Riddle
- 18 HCS HB 553 - Spreng
- 19 HB 599 - Diehl
- 20 HCS HB 152 - Ruestman
- 21 HB 734 - Ruzicka
- 22 HCS HB 577 - Yates
- 23 HCS HB 795 - Dethrow
- 24 HCS HB 313 - Yates
- 25 HB 716 - Todd
- 26 HCS HB 62 - Lipke
- 27 HB 845 - Munzlinger

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 509, (Fiscal Review 3-31-09) - Stream
- 2 HCS HB 95, (Fiscal Review 4-02-09) - Schaaf
- 3 HCS HBs 187 & 235, (Fiscal Review 4-02-09) - Flook

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 304 - Schad

**HOUSE CONCURRENT RESOLUTIONS**

HCR 17, (3-12-09, Pages 593-594) - Sander

**SENATE BILLS FOR THIRD READING**

HCS SS SCS SB 1 - Wasson

**HOUSE CONCURRENT RESOLUTIONS - INFORMAL**

HCR 9, (2-23-09, Page 370) - Nance