

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWELFTH DAY, WEDNESDAY, JANUARY 27, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted and judgment is dispensed.

Look upon us, in this Assembly, and fill us with wisdom and understanding, direction and strength, knowledge and respect. May we always act in accordance with Your will and may our decisions be for the benefit and well-being of all.

Grant wisdom, insight and strong leadership to the Speaker, leaders of the respective parties and all that are in positions of authority. May our efforts be collaborative and our debates productive.

May we always seek the ways of righteousness, justice and mercy. Grant enablement, by Your powerful protection, to lead our state with honesty and integrity.

Now to Him who is able to do exceedingly abundantly above all that we ask or think, according to the power that works in us.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eleventh day was approved as printed.

## **SPECIAL RECOGNITION**

David Pollack of Cornerstone Energy Solutions, LLC, and Michael Orlando of Interdisciplinary Design Collaborative, LLC, were introduced by Representative Brown (149).

The Maryville High School Football Team was introduced by Representative Thomson and recognized for attaining the 2009 Class 2A State Championship.

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

House Resolution No. 286 through House Resolution No. 318

## HOUSE CONCURRENT RESOLUTION

Representative Allen, et al., offered House Concurrent Resolution No. 43.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 86** through **HJR 88** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1806** through **HB 1831** were read the second time.

## THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCS HCRs 7, 3 & 17**, relating to agricultural land values, was taken up by Representative Munzlinger.

Representative Smith (150) offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Concurrent Resolution Nos. 7, 3 & 17, Page 126 of the House Journal, Ninth Day, January 21, 2010, Line 1 of said page, by inserting before said line the following:

“WHEREAS, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30.4-010 relating to agricultural land productive values; and”; and

Further amend said page, Line 16, by deleting the words “state regulation to be” and inserting in lieu the words “amendment to 12 CSR 30.4-010”; and

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

On motion of Representative Smith (150), **House Amendment No. 1** was adopted.

On motion of Representative Munzlinger, **HCS HCRs 7, 3 & 17, as amended**, was adopted.

On motion of Representative Munzlinger, **HCS HCRs 7, 3 & 17, as amended**, was read the third time and passed by the following vote:

AYES: 140

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	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
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 89	Jones 117	Kander	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Zimmerman	Mr Speaker

NOES: 015

Atkins	Burnett	Colona	Jones 63	Kirkton
LeVota	Newman	Oxford	Schupp	Spreng
Still	Vogt	Wallace	Webb	Yaeger

PRESENT: 001

Low

ABSENT WITH LEAVE: 003

Brown 50	Morris	Ruestman
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VACANCIES: 004

Speaker Richard declared the bill passed.

### PERFECTION OF HOUSE BILL

**HB 1442**, relating to city sales taxes, was taken up by Representative Jones (89).

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

#### *House Amendment No. 1*

AMEND House Bill No. 1442, Section A, Line 3, by inserting after all of said line the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;**

**(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants..**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

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

Representative Salva offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 1442, Page 4, Line 9, by inserting after said line the following:

**“(34) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt.”; and**

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

Representative Salva moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

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

Which motion was defeated.

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

*House Amendment No. 2*

AMEND House Bill No. 1442, Page 1, Section A, Line 3, by inserting after all of said line the following:

**"94.832. 1. The governing body of any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than one-half of one percent per occupied room per night, and shall be imposed solely for the purpose of funding tourism and infrastructure improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes**

cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Kelly offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Bill No. 1442, by inserting before the number 94.832 the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;**

**(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants; or**

**(35) Any city of the fourth classification with more than three thousand eight hundred and fifty but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

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

On motion of Representative Kelly, **House Amendment No. 1 to House Amendment No. 2** was adopted by the following vote:

AYES: 114

Atkins	Aull	Biermann	Brandom	Bringer
Brown 149	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cunningham	Curls
Day	Deeken	Denison	Dougherty	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Grill	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Jones 63	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Newman	Nolte	Norr	Oxford	Pace
Parkinson	Pollock	Quinn	Roorda	Rucker
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schlottach	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Tilley	Todd	Viebrock	Vogt

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Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 038

Allen	Bivins	Brown 30	Burlison	Corcoran
Cox	Davis	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Franz	Gatschenberger	Grisamore	Icet	Jones 89
Jones 117	Kraus	Leara	Nasheed	Nieves
Parson	Pratt	Riddle	Sander	Schad
Scharnhorst	Schieffer	Schoeller	Smith 150	Thomson
Tracy	Wells	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Cooper	Hobbs	Koenig	McDonald
Morris	Ruestman			

VACANCIES: 004

On motion of Representative Skaggs, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 090

Atkins	Aull	Biermann	Brandom	Bringer
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Corcoran	Curls	Day	Deeken
Dougherty	Englund	Faith	Fallert	Fischer 107
Flanigan	Flook	Frame	Grill	Guest
Harris	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Nance	Newman
Nolte	Norr	Oxford	Pace	Pollock
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Silvey
Skaggs	Spreng	Stevenson	Still	Storch
Sutherland	Swinger	Talboy	Tilley	Todd
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wilson 130	Witte	Yaeger	Mr Speaker

NOES: 057

Allen	Bivins	Brown 30	Brown 149	Burlison
Cox	Cunningham	Davis	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberger
Ervin	Fisher 125	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kraus	Lair	Largent
Leara	Munzlinger	Nasheed	Nieves	Parkinson

Parson	Pratt	Riddle	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schoeller
Self	Smith 14	Smith 150	Stream	Thomson
Tracy	Wells	Weter	Wilson 119	Wright
Zerr	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Colona	Cooper	Emery	Hobbs
Hughes	Koenig	Morris	Ruestman	Schlottach
Viebrock	Vogt			

VACANCIES: 004

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

*House Amendment No. 3*

AMEND House Bill No. 1442, Section A, Page 1, Line 3, by inserting immediately after said line the following:

**“94.271. 1. The governing body of any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.**

**2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

**Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of .... (insert rate of percent) percent for the purpose of promoting tourism?**

YES  NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.**

**3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and**

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

On motion of Representative Meiners, **House Amendment No. 3** was adopted by the following vote:

AYES: 098

Atkins	Aull	Biermann	Brandom	Bringer
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cunningham	Curls
Day	Deeken	Denison	Dougherty	Englund
Faith	Fallert	Fischer 107	Flanigan	Flook
Frame	Grill	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Jones 63
Kander	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lampe	Largent	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Nance	Newman
Nolte	Norr	Oxford	Pace	Pollock
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schaaf	Schieffer	Schlottach	Schoemehl	Schupp
Shively	Skaggs	Spreng	Stevenson	Still
Storch	Sutherland	Swinger	Talboy	Tilley
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Weter	Wilson 130
Witte	Yaeger	Mr Speaker		

NOES: 055

Allen	Bivins	Brown 30	Brown 149	Burlison
Cooper	Cox	Davis	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Fisher 125	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Icet	Jones 89	Jones 117
Keeney	Koenig	Kraus	Lair	Leara
Munzlinger	Nasheed	Nieves	Parkinson	Parson
Pratt	Riddle	Ruzicka	Sander	Sater
Schad	Scharnhorst	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Thomson	Tracy
Wells	Wilson 119	Wright	Zerr	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Hobbs	Hughes	Morris	Ruestman
Vogt				

VACANCIES: 004

On motion of Representative Jones (89), **HB 1442, as amended**, was ordered perfected and printed.

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1245** - Special Standing Committee on Professional Registration and Licensing
- HB 1250** - Transportation
- HB 1258** - Transportation
- HB 1271** - Tourism
- HB 1290** - Ways and Means
- HB 1293** - Crime Prevention
- HB 1303** - Crime Prevention
- HB 1310** - Transportation
- HB 1330** - Transportation
- HB 1336** - Tourism
- HB 1340** - Local Government
- HB 1353** - Tourism
- HB 1392** - Ways and Means
- HB 1400** - Special Standing Committee on General Laws
- HB 1403** - Elections
- HB 1408** - Tax Reform
- HB 1486** - Ways and Means
- HB 1494** - Corrections and Public Institutions
- HB 1499** - Judiciary
- HB 1527** - Elections
- HB 1535** - Judiciary
- HB 1545** - Financial Institutions
- HB 1548** - Healthcare Transformation
- HB 1559** - Local Government
- HB 1585** - Transportation
- HB 1591** - Crime Prevention
- HB 1612** - Local Government
- HB 1633** - Utilities
- HB 1637** - Transportation
- HB 1638** - Transportation
- HB 1639** - Special Standing Committee on Professional Registration and Licensing
- HB 1662** - Special Standing Committee on Emerging Issues in Animal Agriculture
- HB 1664** - Transportation
- HB 1691** - Tourism
- HB 1692** - Judiciary
- HB 1707** - Corrections and Public Institutions
- HB 1713** - Insurance Policy
- HB 1775** - Transportation
- HB 1776** - Transportation
- HB 1811** - Judiciary

## COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Budget, to which was referred **HCR 34** and **HCR 35**, 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 NOS. 34 & 35

Relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

WHEREAS, under Article V of the Constitution of the United States:

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress"; and

WHEREAS, the following Amendment to the United States Constitution is proposed:

"Section 1. The annual expenditures of the Congress shall not exceed the annual revenue for any year, save for the use of monetary reserves, except as provided for in Sections 2 and 3.

Section 2. The Congress shall not borrow from any source, including its own funds and trusts, for any expense, except for the extraordinary costs of a declared war or armed conflict, or for a fiscal emergency declared by Congress and signed by the President of the United States.

Section 3. The Congress may issue special bonds for specific capital projects, which shall, in turn, be extinguished within twenty years of issuance. The cumulative total of all bonds issued in this manner shall never exceed twenty percent of the total private sector earned income.

Section 4. This amendment shall take effect beginning the third fiscal year after its ratification.":

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby submit this resolution for a federal balanced budget Amendment to the United States Constitution and, pursuant to Article V of the United States Constitution, respectfully urge the United States Congress to submit the proposed Amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

Mr. Speaker: Your Committee on Budget, to which was referred **HCR 38**, 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. 38

WHEREAS, unfunded federal mandates place unreasonable demands on limited state resources; and

WHEREAS, the federal government has continuously exhibited a lack of understanding and regard to states who are required by their respective constitutions to balance spending with resources; and

WHEREAS, the continuous imposition of these mandates will place the State of Missouri in a position of either funding federal requirements with limited resources, thus causing reductions to other state services, or they will impede the state from drawing down federal funds for currently enacted programs:

NOW, THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urgently request the United States Congress to cease and desist from imposing continuous unfunded mandates on states; and

BE IT FURTHER RESOLVED that the General Assembly urgently requests that the Governor of the State of Missouri and the Missouri Congressional delegation resist continued funding requirements for the Missouri budget; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, Vice President Joe Biden, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Governor Jay Nixon, and each member of the Missouri Congressional delegation.

**INTRODUCTION OF HOUSE BILLS**

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

**HB 1832**, introduced by Representatives Wells, Dougherty, Schad, Denison, Schoeller, Weter, Pollock, Flook, Munzlinger, Jones (117), Cox, Diehl, Emery, Parson and Richard, relating to professional counselors.

**HB 1833**, introduced by Representatives Munzlinger, Flanigan, Zerr, Funderburk, Grisamore, Schaaf, Storch, Nance, Fisher (125), Burlison, Lampe, Ruestman, Sander, Oxford, Wilson (119), Wallace, McGhee and Aull, relating to the farm to institution initiative.

**HB 1834**, introduced by Representatives Zimmerman, Schupp, Atkins, Colona, Corcoran, Englund, Fallert, Grill, Harris, Morris, Oxford, Pace, Roorda, Schieffer, Spreng, Storch, Yaeger, Kuessner, Kelly, Skaggs, Hummel, Kander and Rucker, relating to telemarketing.

**HB 1835**, introduced by Representatives Zimmerman, McNeil, Atkins, Colona, Corcoran, Englund, Grill, Morris, Oxford, Schieffer, Spreng, Walton Gray, Yaeger, Kuessner, Kelly, Skaggs and Hummel, relating to senior citizen homestead deferral of taxes.

**HB 1836**, introduced by Representatives Zimmerman, Fallert, Atkins, Colona, Englund, Grill, Harris, Oxford, Schupp, Spreng, Walton Gray, Kuessner, Skaggs, Hummel and Rucker, relating to absentee voting.

**HB 1837**, introduced by Representatives Zimmerman, Oxford, Atkins, Colona, Englund, Schupp, Kuessner, Kelly, Skaggs, Kander, Hummel and Rucker, relating to the Missouri sunshine law.

**HB 1838**, introduced by Representatives Zimmerman, Molendorp, Atkins, Colona, Englund, Grill, Oxford, Pace, Schupp, Webber, Kuessner, Skaggs and Kander, relating to lobbying.

**HB 1839**, introduced by Representatives Zimmerman, Sater Atkins, Colona, Corcoran, Englund, Fallert, Grill, Harris, Jones (63), McNeil, Morris, Oxford, Pace, Roorda, Schieffer, Schupp, Spreng, Storch, Walton Gray, Yaeger, Kuessner, Kelly, Skaggs, Hummel and Rucker, relating to absentee voting.

**HB 1840**, introduced by Representatives Wright, Kingery, Hodges, Todd, Swinger, Keeney, Munzlinger, Dethrow, Stevenson, Bandom and Loehner, relating to the Missouri rice certification act.

**HB 1841**, introduced by Representative Wilson (130), relating to the review of license examinations for life insurance producers.

**HB 1842**, introduced by Representative Wilson (130), relating to votes on tax measures.

**HB 1843**, introduced by Representatives Holsman, Low, Hughes, LeBlanc, Schieffer, Komo, Biermann, Meiners, Skaggs, Talboy, Oxford, Scavuzzo, Grill, Nasheed, Calloway, Walton Gray and Pace, relating to tuition rates for students at institutions of higher education.

**HB 1844**, introduced by Representatives Zerr, Funderburk, Allen and Meadows, relating to driver's license testing fees.

**HB 1845**, introduced by Representatives Wells, Wasson, Dougherty, Yaeger, Dugger, Viebrock, Pollock, Sater, Norr, Denison, Schoemehl, Swinger, Kratky and Englund, relating to cemeteries.

**HB 1846**, introduced by Representatives Hobbs and Kelly, relating to ethics.

**HB 1847**, introduced by Representatives Nance, Nolte, Fisher (125), McGhee, Aull, Molendorp and Wallace, relating to uninsured motorists.

**HB 1848**, introduced by Representatives Holsman, Aull, Carter, Hughes, LeVota, Burnett, Talboy, Schupp, Skaggs, Zimmerman, Grill, Hodges, Kratky, Rucker, Tilley, Calloway, Oxford, Walton Gray, Hoskins (80), Pace, Morris, McNeil, Still, Biermann, Newman, Nasheed, Fallert, Jones (63), Englund, Curls, Norr, LeBlanc, Schieffer, Lampe, Meiners, Scavuzzo, Colona, Storch, Dougherty, Shively, Todd, Quinn, Kirkton, Webb, McClanahan, Kelly, McDonald, Atkins and Sander, relating to the urban farming task force.

**COMMUNICATIONS**

January 20, 2010

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

Dear Chief Clerk:

Pursuant to Chapter 105.461, RSMo, this letter is an official report that I am a member of the University of Missouri Extension Council board of directors which serves St. Francois, Washington, and Ste. Genevieve Counties. As a member of the Appropriations - Agriculture and Natural Resources Committee and member of the General Assembly, I may have a direct impact on issues, bills and amendments which affect the University of Missouri Extension Program.

In order to comply with Chapter 105.461, RSMo, please publish this disclosure in the Journal of the House.

Sincerely,

/s/ Linda Fischer  
State Representative  
107<sup>th</sup> District

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January 27, 2010

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:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. My husband and I are retired members of the Public School Retirement System (PSRS).

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

Thank you for your attention to this matter.

Sincerely,

/s/ Jeanie Riddle  
Representative  
District 20

## WITHDRAWAL OF HOUSE BILL

January 26, 2010

The Honorable Ron Richard  
Speaker of the House of Representatives  
House Post Office  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **House Bill No. 1267** be withdrawn.

Please let me know if you have any questions.

Sincerely,

/s/ Kate Meiners  
State Representative  
District 46

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 28, 2010.

## COMMITTEE MEETINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Monday, February 1, 2010, 12:00 p.m. Hearing Room 5.  
Department of Health and Senior Services FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 5.  
Departmental budget presentation for FY 2011 budget.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 5.  
Lewin Group review of cost containment report for MO HealthNet.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.  
Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.  
Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.  
Department of Economic Development budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.  
Department of Transportation budget presentation.

DROPOUT PREVENTION TASK FORCE  
Wednesday, February 3, 2010, 3:00 p.m. Hearing Room 2.  
The task force will publicly meet to discuss its report.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS  
Thursday, January 28, 2010, 8:30 a.m. Hearing Room 3.  
Executive session may follow. AMENDED  
Public hearing to be held on: HJR 57, HJR 48, HJR 50

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND  
ETHICS REFORM  
Thursday, January 28, 2010, 8:00 a.m. Hearing Room 5.  
Public hearing to be held on: HB 1390, HB 1655, HB 1708, HB 1727, HB 1754

TAX REFORM  
Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 1520

## **HOUSE CALENDAR**

THIRTEENTH DAY, THURSDAY, JANUARY 28, 2010

### **HOUSE BILLS FOR SECOND READING**

HB 1832 through HB 1848

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1544 - Fisher (125)
- 2 HB 1542 - Deeken
- 3 HCS HB 1377 - Brandom

### **HOUSE BILLS FOR THIRD READING**

HB 1442 - Jones (89)