

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 24, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

We live within Your shadow, Almighty, sheltered by the God who is above all gods. You alone are our refuge, our place of safety; the One in whom we place our trust. (*Psalms 91:1-2*)

As we continue through this week, help us through the difficult moments of worry, discouragement, despair, disappointment or distrust. Remind us daily, of life's small pleasures: the brief moments of respite, the laughter of a colleague, the love of family, purposeful duty and a good night sleep at the end of a long day.

Help us to reject the desire of our ego today. We don't want to be wise in our own eyes, so help us to resist pride. We refuse to reject any corrections, realignments or adjustments that You may bring our way. Help us to, instead, recognize and humbly accept wise counsel.

Now to Him Who is able to keep us from faltering, Who alone is wise, be glory and majesty, dominion and power, both now and forever.

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

(Excerpts from "Proverb Prayers")

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: Leslie Caldwell, Heather Silvey, Nichole Terry, Heather Ivy, Lindsey Smith, Jenna Humphreys, Chelsea Plumier, Ruby Peters, Savanna Day and Haley Bass.

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

SPECIAL RECOGNITION

The Hazelwood Central High School Football team was introduced by Representative Webb and recognized for attaining the 2008 and 2009 Class 6A State Championships.

Andrew McCall of Truman State University was introduced by Representative McClanahan and recognized for being named a 2010 Rhodes Scholar.

World War II Veteran Tuskegee Airmen and Buffalo Soldiers were introduced by Representative Rucker and recognized for their military service and for their role in shaping the nation's history.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 869 through House Resolution No. 898

HOUSE CONCURRENT RESOLUTIONS

Representative Low offered House Concurrent Resolution No. 64.
Representative Nolte, et al., offered House Concurrent Resolution No. 65.

SECOND READING OF HOUSE BILLS

HB 2223 through **HB 2227** were read the second time.

Speaker Pro Tem Pratt assumed the Chair.

PERFECTION OF HOUSE BILLS

HCS HB 1498, relating to payment of health insurance claims, was taken up by Representative Jones (89).

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

Representative Smith (150) 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.

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

Representative Smith (150) 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 Roorda offered **House Amendment No. 3**.

House Amendment No. 3 was withdrawn.

On motion of Representative Jones (89), **HCS HB 1498** was adopted.

On motion of Representative Jones (89), **HCS HB 1498** was ordered perfected and printed by the following vote:

AYES: 158

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
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 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	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

McDonald	Stevenson	Viebrock	Webb
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VACANCIES: 001

Representative Nieves assumed the Chair.

HB 1741, relating to board meetings of corporations, was taken up by Representative Pratt.

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

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

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Sutherland	Thomson
Tilley	Tracy	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McNeil
Meadows	Meiners	Morris	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

McDonald Stevenson Viebrock Wallace Webb

VACANCIES: 001

On motion of Representative Pratt, **HB 1741** was ordered perfected and printed.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

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

- HCR 43** - Special Standing Committee on Professional Registration and Licensing
- HCR 58** - Tourism
- HCR 63** - Tourism

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1252** - Judiciary
- HB 1313** - Crime Prevention
- HB 1448** - Crime Prevention
- HB 1449** - Special Standing Committee on Professional Registration and Licensing
- HB 1634** - Financial Institutions
- HB 1658** - Financial Institutions
- HB 1739** - Public Safety
- HB 1808** - Insurance Policy
- HB 1864** - Agri-Business
- HB 1947** - Public Safety
- HB 1957** - Judiciary
- HB 1964** - Healthcare Transformation
- HB 2038** - Utilities
- HB 2072** - Health Care Policy
- HB 2111** - Transportation
- HB 2147** - Veterans
- HB 2159** - Transportation
- HB 2161** - Real ID and Personal Privacy
- HB 2198** - Special Standing Committee on Professional Registration and Licensing
- HB 2213** - Public Safety
- HB 2219** - Tourism
- HB 2220** - Elections
- HB 2226** - Special Standing Committee on Professional Registration and Licensing

COMMITTEE REPORTS

Committee on Budget, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 87**, 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 1903**, 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 2014**, 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 Elementary and Secondary Education, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1831**, 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 Health Care Policy, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1270**, 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 Insurance Policy, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1841**, 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 Judiciary, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was returned **HCS HBs 1692, 1209, 1405, 1499, 1535 & 1811**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Public Safety, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was returned **HCS HB 1472**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Special Standing Committee on Emerging Issues in Animal Agriculture, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was referred **HB 1662**, 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.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 97, introduced by Representatives Dieckhaus, Funderburk and Jones (89), relating to the membership of the state board of education.

INTRODUCTION OF HOUSE BILLS

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

HB 2228, introduced by Representative Day, relating to transient guest taxes.

HB 2229, introduced by Representatives Schoemehl, Wasson and Dougherty, relating to dental hygienists.

HB 2230, introduced by Representatives Stream, Lampe, Nasheed, Oxford and McNary, relating to charter schools.

HB 2231, introduced by Representative Wasson, relating to cremation of human remains.

HB 2232, introduced by Representatives Low, Chappelle-Nadal, Pace, Webber, Oxford, Brown (50), Meiners, Kander, Carter, Jones (63), Komo, McDonald, Norr, LeVota, Hoskins (80), Calloway, Schupp, Newman, Kelly, Atkins, McClanahan, Curls, Walton Gray, Talboy, McNeil, Englund, Kirkton, Colona, Lampe, Webb, Aull, Corcoran, Zimmerman, Still, Burnett, Morris, Nasheed, Wallace, Storch, Holsman, LeBlanc, Vogt and Spreng, relating to reducing the number of abortions in the state through the prevention first act.

HB 2233, introduced by Representatives Bruns and Roorda, relating to the regulation and licensing of fire equipment distributors.

HB 2234, introduced by Representative Pratt, relating to the regulation of barber and cosmetology licensure.

HB 2235, introduced by Representatives Meadows, Dixon, Faith, Kuessner, Fallert, McDonald, Ayres, Dusenberg, Kirkton, Schieffer and Munzlinger, relating to speciality license plates.

HB 2236, introduced by Representatives Cox, Gatschenberger, Stevenson, Nance and Bivins, relating to private attorney retention act.

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 adopted **SCR 31**.

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, international education is a critical component of higher education in Missouri and contributes to the economy of the state and to a diverse college environment, enhancing both academic and extra-curricular programs; and

WHEREAS, international education is critical to promoting a broadened worldview and therefore preparing Missourians for life and work in the global economy and creating a diverse academic environment by exchanging scholars and students between countries and building the foundation for future business success; and

WHEREAS, higher education should emphasize international education, including foreign language instruction and study abroad, in order to ensure graduates have the cross-cultural skills necessary to function effectively in the global workforce; and

WHEREAS, the Missouri General Assembly recognizes the social importance of cultural awareness, the need to promote study-abroad programs that serve Missouri students and the economic significance of international students who come to Missouri for educational opportunities provided by the state; and

WHEREAS, Missouri public and independent institutions of higher education and the Missouri Department of Higher Education, recognizing the importance of internationalizing curriculum and experiential learning, collaboratively established the Study Missouri Consortium; and

WHEREAS, the Study Missouri Consortium functions to support and enhance the capacity of member institutions, individually and collectively, to foster international experiences and cross-cultural competence among students, faculty, and citizens of Missouri and to facilitate communication, cooperation, and expansion of international educational activities and exchanges in the State of Missouri; and

WHEREAS, the net contribution to our state's economy by international students and their families was estimated at over \$270 million in 2008-2009 and a strategy at the state and national level is needed to ensure America's status as a magnet for international students and scholars; and

WHEREAS, the economy of Missouri is inextricably tied to the rest of the world and state economic development depends upon a deliberate strategic development plan that includes recognition of the role of international education in all its facets; and

WHEREAS, heightened cultural awareness is critical to national interests and is a critical component of foreign policy, and Missouri's colleges and universities play a key role in developing foreign language and foreign-area expertise by promoting language study, study abroad, and faculty exchange programs; and

WHEREAS, the United States' national security and economic interests and competitiveness depend significantly on the country's ability to provide future leaders with the best education possible:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that international education is an essential component of the future of the State of Missouri and the Missouri General Assembly supports and encourages students and faculty to promote international education as a part of curricular and extra-curricular life at the state's colleges and universities to ensure that students and future leaders are prepared to meet the challenges of a global society; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each institution of higher education in this state.

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 **HCS HB 1540**, entitled:

An act to repeal sections 304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twelve new sections relating to infractions, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1540, Page 3, Section 304.015, Line 67, by inserting after all of said line the following:

"304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

- (1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or
- (2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, "truck" means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B** misdemeanor, or unless an accident results from such violation, in which case such violation is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Viebrock and Webb.

ADJOURNMENT

On motion of Representative Self, the House adjourned until 10:00 a.m., Thursday, February 25, 2010.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 6.

Possible Executive session.

Public hearing to be held on: HB 1496

BUDGET

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 3.

Review appropriation committee amendments as available.

Executive session may follow. CANCELLED

Public hearing to be held on: HCS HB 2014, HCS HB 1903, HCS HJR 87

FISCAL REVIEW

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

FISCAL REVIEW

Wednesday, March 3, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, March 4, 2010, 9:00 a.m. House Chamber south gallery.

Executive session may follow.

HIGHER EDUCATION

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1812, HCR 24

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

Thursday, February 25, 2010, Hearing Room 1 upon morning adjournment.

Possible Executive session.

Public hearings to be held on: HB 1258, HB 1268, HB 1310, HB 1330, HB 1336, HB 1340, HCS HB 1382, HCS HBs 1408 & 1514, HB 1519, HCS#2 HB 1543, HB 1612, HB 1657, HB 1677, HB 1691, HB 1713, HB 1775, HB 1776, HB 1941, HCS HJRs 45, 69 & 70

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Thursday, February 25, 2010, House Chamber side gallery upon morning adjournment.

Executive session. CORRECTED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Thursday, February 25, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1404

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 5.

Working session.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 1, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session will be held on: HB 1601, HB 1826

STATE PARKS AND WATERWAYS

Thursday, February 25, 2010, 9:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HCR 16, HB 2165

TOURISM

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1778, HCR 52, HCR 53, HCR 62

TOURISM

Thursday, March 4, 2010, 9:00 a.m. House Lounge.

Joint meeting of the House and Senate Tourism Committees and the Tourism Commission.

Presentation of the annual report of the Tourism Commission.

UTILITIES

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery. CANCELLED

Executive session will be held on: HB 1633

WAYS AND MEANS

Thursday, February 25, 2010, 8:30 a.m. Hearing Room 5.

Possible Executive session.

Public hearing to be held on: HB 1767, HB 1900

HOUSE CALENDAR

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 25, 2010

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 97

HOUSE BILLS FOR SECOND READING

HB 2228 through HB 2236

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 76 - Dethrow
- 2 HCS HJR 86 - Loehner
- 3 HCS HJRs 48, 50 & 57 - Jones (89)

HOUSE BILLS FOR PERFECTION

HCS HB 1684 - Zerr

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 1542 - Deeken

HOUSE BILLS FOR PERFECTION - CONSENT

(2/23/2010)

HCS HB 1840 - Wright

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1498 - Jones (89)
- 2 HB 1741 - Pratt

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)

HOUSE BILLS WITH SENATE AMENDMENTS

HCS HB 1540, SA 1, E.C. - Lipke