

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

THIRTY-FIRST DAY, TUESDAY, MARCH 2, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Lord, our God, we ask Your divine assistance in the task of representing the needs and concerns of all the people in our districts. Help us to be so focused upon what is right and just that in serving the people we serve You as well. May Your wisdom guide us to think beyond the boundaries of our districts to the wellbeing and the common good of all the people of our State.

Where the needs of the people are concerned, guide us to decisions that include the protection of the most vulnerable. When there are inadequate resources, let us all share in the sacrifice.

In the end, "Thy will be done on earth as it is in Heaven." To You, our God, be glory and honor forever. 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: Shane Comer, Shelby Comer, Jesse Daniels, Jessie Mitchem, Austin Nunnery, Kelly Robey, Shadaisha Wright, David Hjelm, Brandon Johnson, Jill Johnson, Marin McMenus, Miriam Johnson, Rebecca Wagner, Michael Wagner and Kimberly Wagner.

The Journal of the thirtieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 975 through House Resolution No. 1028

HOUSE CONCURRENT RESOLUTION

Representative Loehner, et al., offered House Concurrent Resolution No. 68.

SECOND READING OF HOUSE BILLS

HB 2255 through **HB 2263** were read the second time.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 76, relating to wildlife and forestry resources, was taken up by Representative Dethrow.

Representative Webber 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.

On motion of Representative Dethrow, **HJR 76** was ordered perfected and printed by the following vote:

AYES: 131

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
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
Hummel	Ice	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 027

Atkins	Burnett	Colona	Hughes	Jones 63
Kander	Kirkton	LeVota	McNeil	Morris
Newman	Oxford	Pace	Schaaf	Schoemehl
Schupp	Skaggs	Spreng	Still	Talboy
Vogt	Walsh	Walton Gray	Webb	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 004

Chappelle-Nadal Low Meadows Nolte

VACANCIES: 001

PERFECTION OF HOUSE BILLS

HCS HBs 1408 & 1514, relating to interest on income tax returns, was taken up by Representative Smith (150).

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

Representative Schoeller 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 Dixon assumed the Chair.

On motion of Representative Smith (150), **HCS HBs 1408 & 1514** was adopted.

On motion of Representative Smith (150), **HCS HBs 1408 & 1514** was ordered perfected and printed.

HB 1519, relating to assault of a transit operator, was taken up by Representative Hoskins (80).

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

House Amendment No. 1

AMEND House Bill No. 1519, Section 565.083, Page 4, Line 34, by inserting after all of said section and line the following:

“565.084. 1. A person commits the crime of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

- (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225.

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile officer, deputy juvenile officer, **juvenile court commissioner**, [state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney,] **drug court commissioner-judge, family court commissioner-judge, administrative law judge**, [juvenile court commissioner,] state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:
 - (1) Such officer's spouse; or
 - (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or
 - (3) Such officer's stepchild, while the marriage creating that relationship exists.
4. Tampering with a judicial officer is a class C felony.”; and

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

Representative Witte 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. 1519, Page 1, Line 15, by deleting the opening bracket “[” and

Further amend said amendment and page, Line 16, by deleting the closing bracket ”]”; and

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

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

On motion of Representative Nance, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative Hoskins (80), **HB 1519, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE JOINT RESOLUTIONS

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

HJR 76 - Fiscal Review (Fiscal Note)
HCS HJR 86 - Fiscal Review (Fiscal Note)

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HBs 1408 & 1514 - Fiscal Review (Fiscal Note)
HB 1562 - Special Standing Committee on General Laws
HB 1991 - Public Safety
HB 2221 - Retirement

COMMITTEE REPORTS

Committee on Higher Education, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 1473**, 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 Rural Community Development, Chairman Wilson (119) reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1254**, 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.

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1705**, 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 Transportation, Chairman Dixon reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1310**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1330**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1941**, 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 Ways and Means, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2048**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Special Standing Committee on Urban Issues, Chairman Hoskins (80) reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 1601**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Special Standing Committee on Workforce Development and Workplace Safety, Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **HB 1892**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

ADVANCEMENT OF HOUSE CONSENT BILL

Pursuant to Rule 45(b), the following bill, having remained on the House Consent Calendar for Perfection for five legislative days, was ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 1840**.

INTRODUCTION OF HOUSE BILLS

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

HB 2264, introduced by Representatives Largent, Tracy, Day and Hoskins (121), relating to the Missouri youth challenge academy.

HB 2265, introduced by Representatives Funderburk, Koenig, Gatschenberger, Guernsey, Fisher (125), Jones (89), Emery, Schoeller and Nieves, relating to corporate income tax rates.

HB 2266, introduced by Representatives Ruzicka, Pollock, Nance, Bivins, Weter, Wilson (119), Viebrock, Loehner, Fisher (125), Munzlinger, Hobbs, Smith (150) and Corcoran, relating to possession and use of certain alcohol containers and devices on certain rivers.

HB 2267, introduced by Representatives Schieffer, Hodges, Norr and Bivins, relating to property taxes.

HB 2268, introduced by Representatives Schieffer, Hodges, Norr and Bivins, relating to reviews of real property assessments.

HB 2269, introduced by Representative Smith (14), relating to license plates.

HB 2270, introduced by Representative Cooper, relating to SAFE CARE providers.

HB 2271, introduced by Representatives Cooper, Pollock and Wallace, relating to blasting.

HB 2272, introduced by Representatives Fisher (125) and Jones (89), relating to workers' compensation law.

HB 2273, introduced by Representatives Cooper, Jones (63) and Sater, relating to mental health community participation.

HB 2274, introduced by Representatives Still and Talbo, relating to accessible parking.

HB 2275, introduced by Representative Meiners, relating to public records.

HB 2276, introduced by Representatives Ruestman, Munzlinger, Cunningham, Schad, Lair, Fisher (125), Day, Cox, Thomson, Weter, Sater, Wallace, Koenig and Wilson (130), relating to wages for work done on behalf of a school.

HB 2277, introduced by Representatives Wallace, Wilson (130), Schad, Guest, Weter, Sater, Deeken, Kingery, Schlottach, Brown (149), Ruestman, Schieffer, Wasson, Cunningham, Hobbs and Loehner, relating to state aid for schools.

HB 2278, introduced by Representatives Hobbs and Kelly, relating to the University of Missouri board of curators.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1544**, entitled:

An act to repeal sections 288.062 and 288.500, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 583**, entitled:

An act to repeal section 376.1109, RSMo, and to enact in lieu thereof two new sections relating to the refund of unearned premiums on certain cancelled insurance policies.

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 **SB 649**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout day.

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 **SB 668**, entitled:

An act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

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 **SB 669**, entitled:

An act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

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 **SB 684**, entitled:

An act to repeal section 453.170, RSMo, and to enact in lieu thereof one new section relating to adoptions occurring in a foreign country.

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 **SB 753**, entitled:

An act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to the investment of certain cemetery trust funds.

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 **SB 771**, entitled:

An act to repeal sections 110.140, 110.150, and 110.170, RSMo, and to enact in lieu thereof three new sections relating to depositaries for public funds, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 772**, entitled:

An act to repeal sections 166.420 and 166.532, RSMo, and to enact in lieu thereof one new section relating to higher education savings programs.

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 **SB 804**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to epilepsy awareness day.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 812, 752 & 909**, entitled:

An act to amend chapter 301, RSMo, by adding thereto three new sections relating to special license plates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 834**, entitled:

An act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 841, 657 & 751**, entitled:

An act to repeal section 227.303, RSMo, and to enact in lieu thereof four new sections relating to memorial highway designations.

In which the concurrence of the House is respectfully requested.

COMMITTEE APPOINTMENT

March 2, 2010

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

Dear Mr. Crumbliss:

I hereby remove Representative Ryan Silvey from the Real ID and Personal Privacy Committee. I hereby appoint Representative Nita Ayres to fill the vacancy on the Real ID and Personal Privacy Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

The following members' presence was noted: Meadows and Nolte.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, March 3, 2010.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 6.
Public hearing to be held on: HB 1288

CONSERVATION AND NATURAL RESOURCES

Wednesday, March 3, 2010, 9:00 a.m. Hearing Room 4.
Executive session will be held on: HB 1858

CRIME PREVENTION

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 5.
Executive session.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 6.
Executive session.

FINANCIAL INSTITUTIONS

Wednesday, March 3, 2010, 5:00 p.m. Hearing Room 6.
Executive session may follow.
Public hearing to be held on: HB 1545, HB 1584, HB 1709, HB 1716, HB 2201

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.

HEALTH CARE POLICY

Wednesday, March 3, 2010, Hearing Room 6 12:00 p.m. or upon adjournment.
Executive session may follow. AMENDED
Public hearing to be held on: HB 1822, HB 2205

HEALTHCARE TRANSFORMATION

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1495

INSURANCE POLICY

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1625, HB 1808, HB 1570

JUDICIARY

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1894, HB 1957

LOCAL GOVERNMENT

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1263, HB 1272, HB 1388, HB 1564, HB 2098

REAL ID AND PERSONAL PRIVACY

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2161, HCR 39, HJR 74

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

Wednesday, March 3, 2010, Hearing Room 3 upon morning adjournment.

Possible Executive session. CANCELLED

Public hearing to be held on: HCS HB 1601

SMALL BUSINESS

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2103, HB 2104

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1238, HB 1235

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2226, HB 2229, HB 2231, HB 2190, HB 1990

STATE PARKS AND WATERWAYS

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2109

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.

TRANSPORTATION

Thursday, March 4, 2010, 8:30 a.m. House Chamber north gallery.

Executive session.

WAYS AND MEANS

Thursday, March 4, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1768

HOUSE CALENDAR

THIRTY-SECOND DAY, WEDNESDAY, MARCH 3, 2010

HOUSE BILLS FOR SECOND READING

HB 2264 through HB 2278

HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HCS HJRs 48, 50 & 57 - Jones (89)

2 HCS HJRs 45, 69 & 70 - Kingery

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 2014 - Icet

HOUSE BILLS FOR PERFECTION

1 HCS HB 1684 - Zerr

2 HCS#2 HB 1543 - Wallace

3 HCS HB 1446 - Jones (89)

4 HCS#2 HB 1472 - Franz

5 HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811 - Stevenson

6 HCS HB 1903 - Icet

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 1542 - Deeken

HOUSE BILLS FOR PERFECTION - CONSENT

(3/1/2010)

- 1 HB 1258 - Todd
- 2 HB 1268 - Meiners
- 3 HB 1336 - Brandom
- 4 HB 1340 - Dugger
- 5 HB 1612 - Molendorp
- 6 HCS HB 1382 - Ervin
- 7 HB 1677 - Hoskins (80)
- 8 HB 1691 - Kraus
- 9 HB 1713 - Sander
- 10 HB 1775 - Shively
- 11 HB 1776 - Shively

(3/2/2010)

HB 1657 - Dethrow

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 86, (Fiscal Review 3-2-10) - Loehner

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)
- 4 HCS HB 1840 - Wright

SENATE BILLS FOR SECOND READING

- 1 SCS SB 583
- 2 SB 649
- 3 SB 668
- 4 SB 669
- 5 SB 684
- 6 SB 753
- 7 SB 771
- 8 SCS SB 772
- 9 SB 804
- 10 SCS SBs 812, 752 & 909
- 11 SCS SB 834
- 12 SCS SBs 841, 657 & 751