

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

FIFTIETH DAY, MONDAY, APRIL 12, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, we acknowledge Your presence in our lives and in this place. May Your praise be continually in our mouth. May our soul make its boast in You, LORD, and not in ourselves. Hear us as we seek You, this day, and deliver us from all our fears.

Help us to identify and eliminate the distractions of life that could lead to disillusionment and confusion. Show us Your way; the way of truth. Teach us Your path, that we might walk in the way of wisdom and understanding.

As deadlines become imminent and pressures mount, grant us the peace that passes all understanding that would guard our hearts, thoughts, speech and actions. May emotion give way to reflection and offense to rational thought.

Grant us the will to make decisions and take actions that will benefit all those living in Missouri. May we passionately pursue and always do what is right in Your sight.

Now may You Lord bless and protect us in our coming and going. May You be pleased with our work in this place. May You be gracious to us, show us Your favor, and give us Your peace.

In the name of Your Son, I pray. Amen. *(Partially excepted from 40 Days of Revival in Missouri)*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Jason Miller.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1829 through House Resolution No. 1909

SECOND READING OF SENATE BILLS

SCS SB 808, SB 877, SB 971 and SB 976 were read the second time.

PERFECTION OF HOUSE BILL

HCS HB 1994, relating to excursion gambling boats, was taken up by Representative Zerr.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1994, Section 313.805, Page 3, Line 89, by inserting after all of said line the following:

“313.819. 1. No person who has been found guilty of or has pled guilty to the crime of nonsupport of a spouse or child under section 568.040 shall be admitted on an excursion gambling boat or in a casino in this state until such time as the person has satisfied all arrearages due.

2. The family support division within the department of social services shall provide a list to every excursion gambling boat or casino in this state containing the names of all persons known to the division who are barred from admittance on an excursion gambling boat or casino under subsection 1 of this section. Such list shall be updated by the division on at least a monthly basis and may be provided in an electronic format.

3. The restriction on admittance to excursion gambling boats and casinos in this state contained in this section is intended to operate as a remedial measure only for the sole purpose of protecting the financial support of the spouse and children in this state.

4. Any excursion gambling boat or casino that knowingly permits a person barred from admittance under subsection 1 of this section to gamble on such boat or in such casino shall be subject to a fine of one thousand dollars.

5. Any person who has been barred from admission on an excursion gambling boat under the provisions of this section who then satisfies in full all arrearages may petition the court in the county where he or she was found guilty of or pled guilty to the crime of nonsupport of a spouse or child under section 568.040 to have the court order the family support division within the department of social services to remove such person's name from the list of those who are barred from admittance and further order the family support division to notify all excursion gambling boats and casinos in this state to remove such person's name from their list of persons who are barred. The court shall grant such petition and enter such orders upon proof by the petitioner that all arrearages have been satisfied in full. If the court finds that all arrearages have not been satisfied in full the petition shall be denied.

6. If a person barred from admittance under subsection 1 of this section is admitted to the excursion gambling boat or casino and subsequently wins something of value, the excursion gambling boat or casino shall be prohibited from awarding such a person with his or her winnings or prizes and shall instead remit the full value of such winnings or prizes to the child support enforcement service of the family support division of the department of social services within fifteen calendar days. The amount of such winnings or prizes shall be awarded to the spouse or child to whom the support payment is due by the child support enforcement service of the family support division of the department of social services”; and

Further amend said bill, Section 313.830, Page 6, Line 84, by inserting after all of said line the following:

“568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide, without good cause, adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, RSMo, or chapter 210, RSMo, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

(2) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his or her inability to support;

(3) "Support" means food, clothing, lodging, and medical or surgical attention;

(4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivisions (2) and (4) of subsection 2 and subsection 3 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. If at any time a defendant convicted of criminal nonsupport is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due may be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court or administrative ordered support, only. If the defendant fails to pay the current support and arrearages as ordered, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. [Beginning January 1, 1991,] Every prosecuting attorney in any county which has entered into a cooperative agreement with the [division of] child support enforcement **service of the family support division of the department of social services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged.

11. Any person who has been found guilty of or has pled guilty to criminal nonsupport of a spouse or a child under this section shall be barred from admittance on an excursion gambling boat or casino in this state until all arrearages due are satisfied in accordance with section 313.819. The restriction on admittance to excursion gambling boats and casinos in this state contained in this subsection and section 313.819 is intended to operate as a remedial measure only for the sole purpose of protecting the financial support of the spouses and children in this state.

12. Any person who has been barred from admission on an excursion gambling boat under the provisions of subsection 11 of this section and in accordance with the provisions of section 313.819 who then satisfies in full all arrearages may petition the court in the county where he or she was found guilty of or pled guilty to the crime of nonsupport of a spouse or child to have the court order the family support division within the department of social services to remove such person's name from the list of those who are barred from admittance and further order the family support division to notify all excursion gambling boats and casinos in this state to remove such person's name from their list of persons who are barred. The court shall grant such petition and enter such orders upon proof by the petitioner that all arrearages have been satisfied in full. If the court finds that all arrearages have not been satisfied in full the petition shall be denied.

13. Any person who violates the provisions of subsection 11 of this section is guilty of a class B misdemeanor.”; and

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

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

The Chair ruled the point of order not well taken.

Representative Flook 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 Committee Substitute for House Bill No. 1994, Page 1, Line 4, by inserting immediately before the word “**nonsupport**” the word “**felony**”; and

Further amend said amendment, Page 1, Line 16, by deleting all of said line and inserting in lieu thereof the following:

“**subject to such disciplinary action as the Missouri Gaming Commission determines is appropriate under the circumstances of the offense.**”; and

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

Further amend Page 1, Line 5, by inserting after the word "state" the following:

"for the purposes of gambling".

HCS HB 1994, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, pending, was laid over.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **SCS HCS HB 2014** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HBs 1695, 1742 & 1674 - Fiscal Review (Fiscal Note)

RE-REFERRAL OF SENATE BILLS

The following Senate Bills were re-referred to the Committee indicated:

SS SB 786 - Health Care Policy
SB 819 - Public Safety
SS SCS SB 920 - Judiciary
SS SB 984 - Tourism

COMMITTEE REPORTS

Committee on Ways and Means, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2252**, 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.

Committee on Rules, Vice Chairman Cox reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 70**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 62** begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1244**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1316**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1444**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1584**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1625**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1636**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 1812**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1905**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1945**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2225**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

ADJOURNMENT

Representative Tilley moved that the House stand adjourned until 10:00 a.m., Tuesday, April 13, 2010.

Which motion was adopted by the following vote:

AYES: 125

| | | | | |
|-------------|-------------|-----------------|----------------|------------|
| Allen | Aull | Ayres | Bivins | Brandom |
| Brown 30 | Brown 50 | Brown 149 | Bruns | Burlison |
| Carter | Casey | Chappelle-Nadal | Conway | Cooper |
| Corcoran | Cox | Cunningham | Curls | Davis |
| Day | Deeken | Denison | Dethrow | Dieckhaus |
| Dougherty | Dugger | Dusenberg | Emery | Ervin |
| Faith | Fallert | Fisher 125 | Flanigan | Flook |
| Frame | Franz | Funderburk | Gatschenberger | Grill |
| Grisamore | Guernsey | Guest | Hobbs | Hodges |
| Hoskins 121 | Hummel | Icet | Jones 63 | Jones 89 |
| Jones 117 | Keeney | Kingery | Koenig | Komo |
| Kratky | Kuessner | Lair | Lampe | Largent |
| Liese | Lipke | Loehner | McClanahan | McDonald |
| McGhee | McNary | Meadows | Meiners | Molendorp |
| Morris | Munzlinger | Nance | Nasheed | Newman |
| Nolte | Norr | Parkinson | Parson | Pollock |
| Quinn | Riddle | Ruestman | Ruzicka | Salva |
| Sander | Sater | Scavuzzo | Schaaf | Schad |
| Scharnhorst | Schieffer | Schlottach | Schoeller | Schoemehl |
| Self | Shively | Silvey | Smith 14 | Stevenson |
| Storch | Stream | Sutherland | Swinger | Thomson |
| Tilley | Todd | Tracy | Viebrock | Wallace |
| Walsh | Walton Gray | Wasson | Webb | Webber |
| Wells | Weter | Whitehead | Wilson 119 | Wilson 130 |
| Witte | Wright | Yaeger | Zerr | Mr Speaker |

NOES: 029

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|---------|-------------|---------|-----------|--------|
| Atkins | Biermann | Bringer | Burnett | Dixon |
| Englund | Fischer 107 | Harris | Holsman | Hughes |
| Kander | Kelly | Kirkton | Kraus | LeVota |
| Low | McNeil | Nieves | Oxford | Pratt |
| Roorda | Schupp | Skaggs | Smith 150 | Spreng |
| Still | Talboy | Vogt | Zimmerman | |

PRESENT: 000

ABSENT WITH LEAVE: 008

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|----------|--------|--------|------------|-------|
| Calloway | Colona | Diehl | Hoskins 80 | Leara |
| LeBlanc | Pace | Rucker | | |

VACANCIES: 001

COMMITTEE MEETINGS

AGRI-BUSINESS

Tuesday, April 13, 2010, 9:00 a.m. Hearing Room 4.
Possible Executive session.
Public hearing to be held on: HB 2291

AGRICULTURE POLICY

Tuesday, April 13, 2010, 8:30 a.m. Hearing Room 7.
Work session.
Executive session may follow.

BUDGET

Tuesday, April 13, 2010, 8:00 a.m. Hearing Room 3.
Tax Credit Review.
Executive session may follow.
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

BUDGET

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 3.
Tax Credit Review.
Executive session may follow. AMENDED
Public hearing to be held on: HB 2016, SCR 36, SS SB 757, SCR 54

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 6.
Executive session may follow.
Public hearing to be held on: HB 1911

ENERGY AND ENVIRONMENT

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 4.
Executive session may follow.
Public hearing to be held on: HB 2471, HB 2472

ENERGY AND ENVIRONMENT

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 5.
Executive session.

FISCAL REVIEW

Wednesday, April 14, 2010, 9:00 a.m. House Chamber south gallery.
All bills referred to committee.
Executive session may follow.

FISCAL REVIEW

Thursday, April 15, 2010, 9:00 a.m. House Chamber south gallery.
All bills referred to committee.
Executive session may follow.

HIGHER EDUCATION

Tuesday, April 13, 2010, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SCS SB 733

INSURANCE POLICY

Wednesday, April 14, 2010, 12:00 p.m. Hearing Room 7.

Executive session only.

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 13, 2010, 5:00 p.m. Hearing Room 7.

Executive session.

JUDICIARY

Wednesday, April 14, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

PUBLIC SAFETY

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 6.

Work session on HB 2417.

Executive session may follow.

Public hearing to be held on: HB 1229

RETIREMENT

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 4.

Executive session to follow.

Following the afore mentioned business the committee will be discussing SS SB 714.

Public hearing to be held on: HB 2162, HB 2113, HB 2122, HB 2221

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 13, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held. AMENDED

Public hearing to be held on: HCR 77, HJR 93, SS SCS SB 605, SS SB 786, SCS SB 942

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 5.

Executive session.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 14, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1373, HB 2286, HB 2353, SCS SB 754

TAX REFORM

Wednesday, April 14, 2010, 8:15 a.m. Hearing Room 5.

Executive session may be held.

Public hearing to be held on: HB 1835

TRANSPORTATION

Tuesday, April 13, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow.

Public hearing to be held on: SB 716, SS SCS SB 781

UTILITIES

Tuesday, April 13, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: SB 791, SB 897

WAYS AND MEANS

Tuesday, April 13, 2010, Hearing Room 1 upon afternoon adjournment.

Executive session.

HOUSE CALENDAR

FIFTY-FIRST DAY, TUESDAY, APRIL 13, 2010

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJRs 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HJR 78 - Smith (150)
- 4 HCS HJR 64 - Cox
- 5 HCS HJR 94 - Dethrow

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HB 2272 - Fisher (125)
- 5 HCS HB 2053 - Wallace
- 6 HCS HB 1966 - Diehl
- 7 HCS HB 2081 - Riddle
- 8 HCS HB 1994, HA 1 to HA 1, HA 1, pending - Zerr
- 9 HCS HB 1404 - Cox
- 10 HCS HBs 1524 & 2260 - Largent
- 11 HCS HB 1788 - Parson
- 12 HCS HB 1871 - Schoeller
- 13 HB 1960 - Ruestman
- 14 HCS HB 2070 - Kelly

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 2262 & 2264, E.C. - Day
- 2 HCS HB 2357 - Smith (150)
- 3 HCS HBs 1695, 1742 & 1674, (Fiscal Review 4-12-10) - Stevenson

HOUSE BILLS FOR THIRD READING - CONSENT

HB 1538 - Dusenberg

HOUSE RESOLUTIONS

HR 628, (2-18-10, Pages 346-347) - Jones (117)