

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

THIRTIETH DAY, MONDAY, MARCH 2, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Holy God, as we come before You in prayer, we are quick to acknowledge Your power and might. We praise and glorify You for Your extraordinary patience and love and thank You for Your faithfulness to us as a state and nation.

Lord, as we stand in Your presence, we are forced to recognize our shortcomings, but also the great potential You have placed in each of us. Forgive us when we fall short of that and grant us the strength to move forward into each new day with renewed purpose and expectation. May we embrace the challenges before us this week, with wisdom, as You cause us to see clearly Your destiny for us as a state and as a people. Your grace is sufficient for us.

Now may You, the Lord of peace, give us peace always in every way. The Lord be with us all.

I ask these things on behalf of us all, in the name of Your Son. Amen.

(Excerpts from 77 Days of Prayer)

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-ninth day was approved as printed by the following vote:

AYES: 146

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 73	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	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	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Riddle	Roorda

Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman
Mr Speaker				

NOES: 003

Bringer Burnett Witte

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 50	Cooper	Corcoran	El-Amin	Flook
Hughes	Quinn	Rucker	Schieffer	Still
Storch	Talboy	Vogt	Webb	

HOUSE COURTESY RESOLUTIONS

House Resolution No. 828 through House Resolution No. 845

HOUSE CONCURRENT RESOLUTION

Representative Storch, et al., offered House Concurrent Resolution No. 35.

SECOND READING OF HOUSE BILLS

HB 885 through **HB 909** were read the second time.

SECOND READING OF SENATE BILLS

SCS#2 SB 9, SCS SB 15, SB 55, SB 79, SCS SB 152, SCS SB 157, SCS SB 179, SB 217 and **SCS SB 243** were read the second time.

PERFECTION OF HOUSE BILLS

HCS HB 580, relating to the Line of Duty Compensation Act, was taken up by Representative Bruns.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 580, Section 287.243, Page 4, Line 54, by deleting the words "**August 28, 2009**" and insert in lieu thereof the following:

"**the effective date of this section**"; and

Further amend said section, Page 6, Line 114, by deleting the words "**August 28, 2009**" and insert in lieu thereof the following:

"**the effective date of this section**"; and

Further amend said section, page, and line, by inserting immediately after said line the following:

"Section B. Because monetary support for the families of emergency personnel ensures that such personnel know that their loved ones will be provided for upon his or her death, it is deemed necessary for the immediate preservation of the public, health, welfare, peace, and safety of this state and is hereby declared to be an emergency act within the meaning of the constitution and shall be in full force and effect upon its passage and approval."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 580, Page 4, Section 287.243, Line 53, delete the word "**Fifteen Thousand**" and insert the word "**Twenty Five Thousand**".

On motion of Representative Schupp, **House Amendment No. 2** was adopted.

On motion of Representative Bruns, **HCS HB 580, as amended**, was adopted.

On motion of Representative Bruns, **HCS HB 580, as amended**, was ordered perfected and printed.

HCS HB 82, relating to a credit for military benefits, was taken up by Representative Kraus.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 82, Section 143.124, Pages 5 and 6, Lines 152 through 165, by striking all of said lines and inserting in lieu thereof the following:

"(1) For the tax year beginning on January 1, 2010, fifteen percent of such retirement benefits;
(2) For the tax year beginning on January 1, 2011, thirty percent of such retirement benefits;
(3) For the tax year beginning on January 1, 2012, forty-five percent of such retirement benefits;
(4) For the tax year beginning on January 1, 2013, sixty percent of such retirement benefits;
(5) For the tax year beginning on January 1, 2014, seventy-five percent of such retirement benefits;
(6) For the tax year beginning on January 1, 2015, ninety percent of such retirement benefits;
(7) For tax years beginning on or after January 1, 2016, one hundred percent of such retirement benefits."; and

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

Representative Yates 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. 82, Page 2, Line 1, by inserting immediately after said line the following:

Further amend said bill, Section 143.124, Page 5, Line 143, by striking "2011" and inserting "2010"; and'.

Representative Roorda raised a point of order that **House Amendment No. 1 to House Amendment No. 1** was not offered in a timely manner.

The Chair ruled the point of order not well taken.

Representative Roorda appealed the ruling of the Chair.

The Chair ruled the motion not timely.

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

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

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

Representative Yates 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.

On motion of Representative Kraus, **HCS HB 82, as amended**, was adopted.

On motion of Representative Kraus, **HCS HB 82, as amended**, was ordered perfected and printed.

HCS HB 310, as amended, relating to liquor control, was taken up by Representative Jones (89).

Representative Nieves assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Allen	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	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright	Yates	Zerr	Mr Speaker	

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Colona	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	McDonald	McNeil	Meadows
Meiners	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Wildberger
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 006

Chappelle-Nadal	Corcoran	El-Amin	Morris	Salva
Storch				

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Jones (89), **HCS HB 310, as amended**, was adopted.

On motion of Representative Jones (89), **HCS HB 310, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE JOINT RESOLUTION

HCS HJR 23, relating to limits on state appropriations, was taken up by Representative Icet.

HCS HJR 23 was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 303 - Healthcare Transformation

HB 761 - Health Care Policy

HB 859 - Local Government

HB 867 - Transportation

HB 868 - Judiciary

HB 881 - Local Government

COMMITTEE REPORTS

Special Standing Committee on Health Insurance, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **HB 522**, 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 Rules, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 14**, 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 740**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 32, introduced by Representatives Kelly and Tilley, relating to the fifth state building bond and interest fund.

HJR 33, introduced by Representative Schoemehl, relating to school district bond elections.

INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS

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

HB 1, introduced by Representative Icet, to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

HB 2, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

HB 3, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

HB 4, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

INTRODUCTION OF HOUSE BILLS

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

HB 910, introduced by Representatives Schupp, Meadows, Oxford, Talboy, Holsman, Jones (63), Brown (73), Wildberger, Todd, Shively, Quinn, Nasheed, Calloway, LeBlanc, Hughes, Kirkton, McNeil, Walton Gray, Pace, Roorda, Atkins, Morris, Scavuzzo and Fischer (107), relating to the Missouri healthy heart fund.

HB 911, introduced by Representatives Holsman, Low, Fallert, Fischer (107), Schoeller, Englund, Talboy, Flook, Atkins, Grill, LeVota, Roorda, Webber, Colona, Walton Gray and Oxford, relating to the solar and wind initiative program.

HB 912, introduced by Representative Deeken, relating to ignition interlock restricted driver's licenses.

HB 913, introduced by Representative Jones (117), relating to certificates of ownership on chattel.

HB 914, introduced by Representative Cunningham, relating to the powers of the director of finance.

HB 915, introduced by Representatives Hobbs, Munzlinger and Guernsey, relating to grain dealers.

HB 916, introduced by Representatives Bivins, Funderburk, Leara, Flanigan and Diehl, relating to unemployment compensation.

HB 917, introduced by Representatives Shively, Quinn, Todd, Schupp, Schieffer, Webber and McClanahan, relating to the designation of a memorial highway.

HB 918, introduced by Representative Kelly, to authorize the conveyance of certain state property.

HB 919, introduced by Representatives Ruestman, Lipke, Grisamore, Cox, Zerr, Nolte, Gatschenberger, Guernsey, Dieckhaus, Denison, Allen, Wilson (119), Wright, Nieves, Wasson, Sater, Funderburk, Wells, Weter, Atkins, Pace, Faith, Munzlinger, Flanigan, Stevenson, Salva, Richard and Emery, relating to group health insurance.

HB 920, introduced by Representative Parson, relating to health insurance coverage for athletic trainer services.

COMMUNICATION

February 23, 2009

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. I am a retired member of the Public School Retirement System (PSRS).

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

Thank you for your attention to this matter.

Sincerely,

/s/ Mike Lair
Representative - District 7

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, March 3, 2009.

COMMITTEE MEETINGS

AGRI-BUSINESS

Tuesday, March 3, 2009, 8:00 a.m. Hearing Room 4.

Possible Executive session.

Public hearings to be held on: HB 668, HB 618, HB 845, HB 733, HB 749, HB 603

BUDGET

Tuesday, March 3, 2009, 8:00 a.m. Hearing Room 3.

Appropriation Committee reports and analyst notes.

Executive session may follow.

BUDGET

Wednesday, March 4, 2009, 8:00 a.m. Hearing Room 3.

Appropriation Committee reports and analyst notes.

Executive session may follow.

CONSERVATION AND NATURAL RESOURCES

Wednesday, March 4, 2009, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 734, HB 428

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, March 4, 2009, 5:00 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearings to be held on: HB 276, HB 871, HB 174, HB 118

CRIME PREVENTION

Wednesday, March 4, 2009, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 830, HB 254, HB 160, HB 619, HB 133, HB 351

ELECTIONS

Tuesday, March 3, 2009, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 59, HB 709, HB 739

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 4, 2009, 8:00 a.m. Hearing Room 6.

Executive session at beginning of hearing.

Public hearings to be held on: HB 304, HB 387, HB 547

ENERGY AND ENVIRONMENT

Tuesday, March 3, 2009, 8:30 a.m. Hearing Room 1.

Public hearings to be held on: HB 751, HB 495, HB 660, HB 472

FINANCIAL INSTITUTIONS

Wednesday, March 4, 2009, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HCR 8

HEALTH CARE POLICY

Wednesday, March 4, 2009, 12:00 p.m. Hearing Room 6.

Executive session at beginning of hearing.

Public hearing to be held on: HB 616

HEALTHCARE TRANSFORMATION

Tuesday, March 3, 2009, 5:00 p.m. Hearing Room 6.

Executive session may or may not follow.

May hear speaker on low wage-trap.

Public hearing to be held on: HB 810

HIGHER EDUCATION

Tuesday, March 3, 2009, 8:00 a.m. Hearing Room 6.

Executive session will be held on: HB 631, HB 515

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, March 3, 2009, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 429

LOCAL GOVERNMENT

Wednesday, March 4, 2009, 8:30 a.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 193, HB 579, HB 881

PUBLIC SAFETY

Tuesday, March 3, 2009, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 103, HB 241, HB 485, HB 685, HB 736

RETIREMENT

Thursday, March 5, 2009, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 491, HB 347, HB 593

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

Tuesday, March 3, 2009, 5:00 p.m. Hearing Room 5.

Possible Executive session.

Public hearings to be held on: HCS HCR 4, HB 69, HB 83, HB 91, HCS HB 93 & 216, HCS HB 124, HCS HB 148, HCS HB 154, HB 218, HB 229, HCS HB 236, HB 239, HCS HB 247, HCS HB 251, HB 259, HB 269, HCS HB 359, HB 376, HB 395, HB 400, HB 488, HB 490, HB 506, HB 678

RURAL COMMUNITY DEVELOPMENT

Tuesday, March 3, 2009, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 493, HB 556, HB 356

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 4, 2009, 8:00 a.m. Hearing Room 1.

Executive session only.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, March 3, 2009, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 534

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 3, 2009, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HJR 10

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, March 3, 2009, 12:00 p.m. Hearing Room 5.

Executive session.

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Tuesday, March 3, 2009, 5:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 354

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

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

Executive session may follow.

Public hearings to be held on: HB 853, SS SCS SB 1

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Tuesday, March 3, 2009, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 481, HB 227

TAX REFORM

Wednesday, March 4, 2009, 8:00 a.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearings to be held on: HB 814, HB 318

TOURISM

Thursday, March 5, 2009, 9:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 807

TRANSPORTATION

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

Executive session may follow.

Public hearings to be held on: HB 300, HB 590, HB 642, HB 696, HCR 17

UTILITIES

Tuesday, March 3, 2009, 12:00 p.m. Hearing Room 1.

CORRECTED

Executive session will be held on: HB 554

VETERANS

Tuesday, March 3, 2009, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HB 671, HB 861

HOUSE CALENDAR

THIRTY-FIRST DAY, TUESDAY, MARCH 3, 2009

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 32 and HJR 33

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 1 through HB 4

HOUSE BILLS FOR SECOND READING

HB 910 through HB 920

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 23 - Icet

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 14 - Icet

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 459 - Schaaf
- 2 HCS HBs 46 & 434 - Pratt
- 3 HCS HB 740 - Icet

HOUSE BILLS FOR PERFECTION - CONSENT

(2/25/09)

HB 682 - Swinger

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 111 - Day
- 2 HCS HB 286 - Schaaf
- 3 HB 289 - Wallace

HOUSE CONCURRENT RESOLUTIONS

HCS HCR 16, (2-18-09, Pages 346-347) - Tracy

SENATE BILLS FOR THIRD READING

HCS SCS SB 313, E.C. - Icet

HOUSE RESOLUTIONS

- 1 HR 552, (2-24-09, Pages 386-387) - Dethrow
- 2 HR 736, (2-24-09, Pages 387-389) - Self