

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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NINETEENTH DAY, TUESDAY, FEBRUARY 9, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

*Ice and snow, bless the Lord;  
Praise and exalt him above all forever.  
(Daniel 3:70)*

Almighty God, the cold, winter weather clarifies for us once again that there are many things we cannot control, of which we are not in charge. May the laws of nature, unfolding before us, lead us to bow in humility before You, the Lord and Creator of all things.

We pray for all those who have already worked long hours this day, making the highways and streets safe for us and for all the people. We pray for those who will suffer in the cold today because of poverty or inability to manage their lives. May Your Holy Spirit send Good Samaritans to relieve their suffering and to help them grow to become more self-sufficient.

May this same Holy Spirit strengthen us in our work today, so that the very integrity of our work gives You honor and glory.

We humbly pray to You, our Lord and God forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighteenth day was approved as printed by the following vote:

AYES: 150

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	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	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Iceet
Jones 63	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	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	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 002

Burnett	Talboy
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PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper	Corcoran	Holsman	Hughes	Jones 89
McDonald	Quinn			

VACANCIES: 004

## HOUSE RESOLUTION

Representative Jones (117) offered House Resolution No. 628.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 558 through House Resolution No. 627

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 93** and **HJR 94** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2054** through **HB 2076** were read the second time.

## THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCS HCRs 34 & 35**, relating to a balanced budget amendment, was taken up by Representative Icet.

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

House Amendment No. 1

AMEND House Committee Substitute for House Concurrent Resolution Nos. 34 & 35, House Journal Page 167, Twelfth Day, January 27, 2010, Line 25 of said page, by inserting after the word “ratification.” the following:

“5. This resolution shall not be construed as an application for a constitutional convention to the United States Constitution pursuant to Article V thereof.”; and

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

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

On motion of Representative Icet, **HCS HCRs 34 & 35, as amended**, was adopted by the following vote:

AYES: 127

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Cooper	Corcoran	Cox	Cunningham	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 121	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	Liese	Lipke	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Shively	Silvey	Skaggs	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

Brown 50	Burnett	Colona	Curls	Hoskins 80
Hummel	Jones 63	Kirkton	Kuessner	LeBlanc
LeVota	Low	Morris	Nasheed	Newman
Oxford	Pace	Schupp	Spreng	Still
Talboy	Vogt	Walsh	Walton Gray	Webb
Yaeger	Zimmerman			

PRESENT: 001

Roorda

ABSENT WITH LEAVE: 004

Hughes                      Loehner                      Quinn                      Self

VACANCIES: 004

On motion of Representative Icet, **HCS HCRs 34 & 35, as amended**, was read the third time and passed by the following vote:

AYES: 121

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Carter	Casey	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	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 121	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Lair
Lampe	Largent	Leara	Lipke	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Wallace	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 028

Burnett	Chappelle-Nadal	Colona	Curls	Hoskins 80
Hummel	Jones 63	Kirkton	Kuessner	LeBlanc
LeVota	Liese	Low	Morris	Nasheed
Newman	Oxford	Pace	Schupp	Spreng
Still	Talboy	Vogt	Walsh	Walton Gray
Webb	Yaeger	Zimmerman		

PRESENT: 002

Calloway                      Roorda

ABSENT WITH LEAVE: 008

Brown 50	Cooper	Dixon	Hughes	Loehner
Quinn	Self	Viebrock		

VACANCIES: 004

Speaker Richard declared the bill passed.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1375** - Health Care Policy

**HB 1601** - Special Standing Committee on Urban Issues

### RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

**HB 1518** - Special Standing Committee on Governmental Accountability and Ethics Reform

### COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SCR 35 & 32**, 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 Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1208**, 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 Veterans, to which was referred **HB 1745**, 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 CONCURRENT RESOLUTION

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

**HCR 54**, introduced by Representative Talboy, relating to the ratification of the Equal Rights Amendment to the United States Constitution.

## INTRODUCTION OF HOUSE BILLS

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

**HB 2077**, introduced by Representative Dethrow, relating to employee rights.

**HB 2078**, introduced by Representatives Skaggs, Bringer, Harris and Oxford, relating to state buildings.

**HB 2079**, introduced by Representatives Low, Newman, Walton Gray, Jones (63), Morris and Pace, relating to paid sick days.

**HB 2080**, introduced by Representatives Kelly, Cooper, Ruestman, Oxford, Englund, Nasheed, McNeil, Stevenson, Jones (63), Corcoran, Webber and Lampe, relating to distribution of information on human papillomavirus immunization.

**HB 2081**, introduced by Representatives Riddle, Zerr, Keeney, Allen, Sander, Brown (149), Faith, Munzlinger, Wallace, Guernsey, Largent, Jones (117), Jones (89), Parson, Tilley, Brandom, Ruestman, Pratt and Tracy, relating to the use of force by a pregnant woman to defend her unborn child.

**HB 2082**, introduced by Representatives Fischer (107), Brown (50) and Harris, relating to an offender making a false report against an employee of the department of corrections.

**HB 2083**, introduced by Representative Grill, relating to acknowledgments of paternity.

**HB 2084**, introduced by Representatives Englund, Holsman, Carter, Yaeger, LeBlanc, Kuessner, Shively, McClanahan, Schupp, Deeken, McNary, Stevenson, Molendorp, Allen, Hummel, Talboy, Oxford, Fallert, Meadows, Lampe, Storch, Schoemehl, Kelly and Schieffer, relating to the sale of toxic flame-retardant products.

**HB 2085**, introduced by Representatives Riddle and Munzlinger, relating to sales taxes on firearms and ammunition.

**HB 2086**, introduced by Representative Ruzicka, relating to battery fees.

**HB 2087**, introduced by Representatives Brown (149), Diehl, Gatschenberger, Wright, Franz, Lair, Largent and Flanigan, relating to special event motor vehicle auction licenses.

**HB 2088**, introduced by Representatives Frame, Hughes, Hodges, Shively, Casey, Harris, Fischer (107), Scavuzzo, Kelly, Meadows and Komo, relating to concealed carry endorsements.

**HB 2089**, introduced by Representatives Frame, Hughes, Hodges, Shively, Casey, Harris, Fischer (107), Scavuzzo, Kelly, Meadows, Komo, Atkins and Schieffer, relating to concealed carry endorsements.

**HB 2090**, introduced by Representatives Frame, Hughes, Hodges, Shively, Casey, Roorda, Harris, Fischer (107), Scavuzzo, Komo and Schieffer, relating to eminent domain.

**HB 2091**, introduced by Representatives Frame, Skaggs, Hughes, Hodges, Shively, Casey, Roorda, Harris, Fischer (107), Fallert, Komo and Schieffer, relating to property taxation.

**HB 2092**, introduced by Representatives Frame, Casey, Atkins, Webb, Meadows, Fallert and Komo, relating to a sales tax holiday.

**HB 2093**, introduced by Representatives Frame, Kander, Casey, Atkins, Webb, Scavuzzo, Meadows, Fallert, Roorda and Komo, relating to a tax credit for military-related employees.

**HB 2094**, introduced by Representative Talboy, relating to the designation of Cesar E. Chavez day.

**HB 2095**, introduced by Representative Emery, relating to the public service commission.

### 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 36**.

#### SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the federal public debt has surpassed twelve trillion dollars, which equates to tens of thousands of dollars for each person in the United States; and

WHEREAS, the Emergency Economic Stabilization Act of 2008, commonly known as the "bailout plan" authorized the United States Treasury to spend up to seven hundred billion dollars with little or no transparency or accountability regarding the use of taxpayers' money; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is creating an extraordinary financial burden to be carried by future generations of this country; and

WHEREAS, the federal government's seemingly unlimited borrowing of money raises questions about the fundamental principles and responsibilities of government, with potentially profound consequences for this nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to adopt a balanced budget amendment to the United States Constitution that requires a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual federal budget; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

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 adopted **SCR 37**.

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, recently in the Senate version of the Patient Protection and Affordable Care Act (HR 3590), a special deal was reportedly made by Nebraska Senator Ben Nelson whereby the state of Nebraska is permanently exempted from bearing the costs of newly eligible Nebraska Medicaid enrollees; and

WHEREAS, such exemption has not been afforded to Missouri or any of the other 48 states; and

WHEREAS, all other states except Nebraska will be required to allocate substantial sums to accommodate the federal health care bill's new Medicaid mandates; and

WHEREAS, it has also been reported that Senator Nelson's vote for passage of the bill was secured only after the deal was made; and

WHEREAS, this "Nebraska Compromise" strikes a blow to the nation's collective confidence in elected officials in Washington, D.C. and violates basic notions of fundamental fairness:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call on Missouri Attorney General Chris Koster to join the 13 other state attorneys general from across the nation in challenging the special deal; and

BE IT FURTHER RESOLVED that Attorney General Koster thoroughly and immediately review the constitutionality and legality of this suspect provision in HR 3590 and stand up for Missouri taxpayers; and

BE IT FURTHER RESOLVED that, in order to ensure that the dollars of Missouri taxpayers are wisely spent, and in order to ensure that the Attorney General's resources are properly used on criminal prosecutions, enforcement of undocumented worker laws, protection of Missouri consumers, protection of Missouri's natural resources, and other vital duties, the General Assembly urges Attorney General Koster to refrain from any litigation regarding the constitutionality and legality of HR 3590 until such time as HR 3590 actually becomes law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Attorney General Koster, the Governor, and each member of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

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



**COMMITTEE MEETINGS**

**AGRICULTURE POLICY**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 6.  
Public hearing to be held on: HB 1825, HJR 86

**APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 4.  
Department of Natural Resources and Department of Agriculture. AMENDED

**APPROPRIATIONS - EDUCATION**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 1.  
Mark up presentation for the Department of Elementary and Secondary Education.  
Mark up presentation for the Department of Higher Education.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 10, 2010, Hearing Room 3 upon morning adjournment.  
Budget overview presentation: Department of Revenue, Tax Commission,  
Lottery and General Assembly.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Thursday, February 11, 2010, Hearing Room 7 upon adjournment.  
Budget discussion.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 10, 2010, 9:00 a.m. Hearing Room 4.

Public hearing to be held on: HB 1858

Executive session will be held on: HJR 76

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 5.

Executive session will be held prior to public hearing.

Public hearing to be held on: HB 1644

Executive session will be held on: HB 1494, HB 1707

CRIME PREVENTION

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow. Hearing continued on HB 1695.

Public hearings to be held on: HB 1695

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1628, HB 1803, HB 1831, HCR 13

FISCAL REVIEW

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HCS HB 1377

FISCAL REVIEW

Thursday, February 11, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, February 10, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1270, HB 1918, HB 1375

INSURANCE POLICY

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1657, HB 1713, HB 1382

INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 1231

#### JUDICIARY

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1209, HB 1405, HB 1406

#### LOCAL GOVERNMENT

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held. CORRECTED

Public hearing to be held on: HB 1567, HB 1568, HB 1589, HB 1806

#### SENIOR CITIZEN ADVOCACY

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1631, HB 1521, HB 1302

#### SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 1.

Executive session will follow.

Public hearing to be held on: HB 1365, HB 1546

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 1.

Working session.

#### SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 4.

Public hearing to be held on: HB 1639, HB 1648, HB 1824, HB 1832

#### TOURISM

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1336, HB 1271

#### WAYS AND MEANS

Thursday, February 11, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1290, HB 1486

**HOUSE CALENDAR**

TWENTIETH DAY, WEDNESDAY, FEBRUARY 10, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 54 - Talboy

**HOUSE BILLS FOR SECOND READING**

HB 2077 through HB 2095

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HBs 1311 & 1341 - Scharnhorst
- 3 HCS HB 1497 - Smith (150)
- 4 HCS HB 1540 - Lipke

**HOUSE BILLS FOR THIRD READING**

HCS HB 1377, (Fiscal Review 2-8-10) - Brandom

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet