

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 23, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Cathedral of St. Joseph, Jefferson City, MO.

O God, You are always the same, Your saving truth never lets us down and patient love never lets us go. Make us conscious of Your presence as in spirit we stand before You in the morning moment of meditation. Speak Your Word to us and give us ears to hear, minds to heed, and hands and feet to do Your will, in Your way, for Your work.

Humble us in our pride, strengthen us in our weakness, and make us great in heart when we would be little in spirit that we may have joy in our endeavors and peace in our hearts.

Bless our state and every institution, every person, every effort made which helps us to love one another and to live together in peace. May Your kingdom come and Your will be done in us now. Amen.

The Pledge of Allegiance to the flag was recited.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 860 through House Resolution No. 868

SECOND READING OF HOUSE BILLS

HB 2213 through **HB 2222** were read the second time.

Representative Tilley suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 130

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Cooper	Corcoran	Cox	Curls	Davis
Deeken	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Grill	Guernsey	Guest	Harris	Hodges

Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Leara
LeBlanc	LeVota	Liese	Loehner	Low
McNary	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Parkinson	Parson
Pratt	Quinn	Riddle	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 005

Burnett	Kelly	Roorda	Spreng	Vogt
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ABSENT WITH LEAVE: 027

Brown 30	Brown 50	Colona	Conway	Cunningham
Day	Denison	Gatschenberger	Grisamore	Hobbs
Keeney	Largent	Lipke	McClanahan	McDonald
McGhee	McNeil	Pace	Pollock	Ruestman
Schoemehl	Self	Stevenson	Tracy	Viebrock
Walton Gray	Wright			

VACANCIES: 001

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 24 - Higher Education

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1254 - Rural Community Development

HB 1263 - Local Government

HB 1538 - Public Safety

HB 1625 - Insurance Policy

HB 1960 - Special Standing Committee on Workforce Development and Workplace Safety

COMMITTEE REPORTS

Committee on Corrections and Public Institutions, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 1494**, 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 Corrections and Public Institutions, to which was referred **HB 1707**, 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 Energy and Environment, Chairman Bivins reporting:

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **HCR 46**, 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.

HOUSE CONCURRENT RESOLUTION NO. 46

WHEREAS, energy policy and regulation are vital to Missouri's economy and which have a direct impact on Missouri families, farmers, businesses, and employees; and

WHEREAS, H.R. 2454, the American Clean Energy and Security Act of 2009, also known as the "Waxman-Markey" and "Cap and Trade", passed by the United States House of Representatives and now pending before the United States Senate, will have a dramatic effect on every American, increase the cost of supplying homes and businesses with electricity, cause job losses, and impose burdensome costs on the poor and families with incomes of less than \$10,000 annually for whom energy costs today make up 60% of their average family expenses, and for families with incomes of \$10,000 to \$25,000 annually, such costs make up 25% of their average family expenses; and

WHEREAS, on December 7, 2009, the Administrator for the Environmental Protection Agency (EPA) signed two distinct findings regarding greenhouse gases under Section 202(c) of the federal Clean Air Act:

(1) Endangerment Finding: the Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases - carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) - in the atmosphere threaten the public health and welfare of current and future generations;

(2) Cause and Contribute Finding: the administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare; and

WHEREAS, this finding by the EPA, if implemented, will cost Missouri jobs and raise electric rates on families, farmers, businesses, and employees; and

WHEREAS, the people of Missouri are dependent on coal for their electricity, obtaining approximately 80 - 85% of electrical energy from coal for their homes, farms, and businesses. This heavy dependence on coal is common throughout the Midwestern states; and

WHEREAS, Missouri's electric rates consistently rank among the lowest cost states in the union, and is one of only three states in the United States to see electricity rates drop in the years 2000 to 2008, and by the largest percentage (6%), making Missouri attractive to business and industry, creating jobs, and making Missouri a low-cost place to live; and

WHEREAS, the technology of the 21st Century is providing cleaner yet still affordable baseload electrical generation from coal, including Super Critical Pulverized Coal (Prairie State in Illinois) and Ultra Supercritical Pulverized Coal (Turk in Arkansas) as well as developing options for coal to liquids, coal to gas, and carbon sequestration; and

WHEREAS, the focus in Missouri and throughout the coal-dependent Midwest should be on how to use technology to burn coal more cleanly and move towards cleaner burning options like Ultra Supercritical Pulverized Coal, rather than a punitive system that drives up costs, leads to lower baseload energy production, and inhibits or prevents progress on a fuel that the United States has in abundance within its own borders:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby:

- (1) Request that our elected statewide officials express their opposition to the further acceptance or approval of the Environmental Protection Agency formal endangerment finding on greenhouse gases;
- (2) Convey that it is not well taken by and harmful to the State of Missouri;
- (3) Urge the Environmental Protection Agency to rescind their recent formal endangerment finding on greenhouse gases; and

BE IT FURTHER RESOLVED that the Missouri General Assembly hereby urges our Missouri Congressional delegation to vote against H.R. 2454, the American Clean Energy Act of 2009, and further requests that our elected statewide officials express their respective positions on the passage of H.R. 2454 and send a unified message to our Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, President Barack Obama, President of the United States Senate, Speaker of the United States House of Representatives, the Administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.

INTRODUCTION OF HOUSE BILLS

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

HB 2223, introduced by Representatives Morris, Pace, Webb, Walton Gray, Oxford and Atkins, relating to deposits required by public utilities.

HB 2224, introduced by Representatives Loehner, Weter, Wright, Fisher (125), Kuessner, Sutherland and Hughes, relating to the Missouri farmland trust.

HB 2225, introduced by Representatives Loehner, Wallace, Wilson (119), Ruzicka, Schlottach, Munzlinger and Wright, relating to wild or feral swine.

HB 2226, introduced by Representative Wasson, relating to marital and family therapists.

HB 2227, introduced by Representatives Lampe, Still, Schoemehl, Kelly, Chappelle-Nadal, McNeil, Atkins, Kander, Corcoran, Oxford, Komo, Meadows, Fallert, Harris, Calloway, Webber, Scavuzzo, Shively, Whitehead, Casey, Burnett and Walton Gray, relating to bargaining for public employees.

COMMITTEE APPOINTMENTS

February 23, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Pat Conway to fill the vacancy on the Appropriations-Agriculture and Natural Resources Committee.

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

Sincerely,

/s/ Ron Richard
Speaker

February 23, 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 Vicki Englund from the Special Standing Committee on Urban Issues. I hereby appoint Representative Hope Whitehead to fill the vacancy on the Special Standing Committee on Urban Issues.

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

Sincerely,

/s/ Ron Richard
Speaker

February 23, 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 Chris Kelly from the Special Standing Committee on Emerging Issues in Animal Agriculture. I hereby appoint Representative Pat Conway to the Special Standing Committee on Emerging Issues in Animal Agriculture.

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

Sincerely,

/s/ Ron Richard
Speaker

February 23, 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 Margo McNeil from the Ways and Means Committee. I hereby appoint Representative Hope Whitehead to fill the vacancy on the Ways and Means Committee.

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

Sincerely,

/s/ Ron Richard
Speaker

February 23, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Hope Whitehead 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

February 23, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Hope Whitehead to fill the vacancy on the Homeland Security Committee.

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

Sincerely,

/s/ Ron Richard
Speaker

The following members' presence was noted: Brown (30), Colona, Cunningham, Day, Denison, Gatschenberger, Grisamore, Hobbs, Keeney, Largent, McClanahan, McDonald, McGhee, McNeil, Pace, Pollock, Ruestman, Schoemehl, Self, Tracy, Viebrock, Walton Gray and Wright.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, February 24, 2010.

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Wednesday, February 24, 2010, 3:00 p.m. Hearing Room 1.
House employee resolution and phone policy.
Possible Executive session to follow.

AGRI-BUSINESS

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 4.
Executive session may follow.
Public hearings to be held on: HB 1291, HB 1352, HB 2076,
HB 1206, HB 1756, HB 1669, HB 1787

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

Wednesday, February 24, 2010, 8:00 a.m. Hearing Room 3.

Review appropriation committee amendments as available.

Executive session may follow.

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

BUDGET

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

Review appropriation committee amendments as available.

Executive session may follow.

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

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 24, 2010, 3:00 p.m. Hearing Room 7.

Executive session only. CORRECTED

CRIME PREVENTION

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1451

ELECTIONS

Wednesday, February 24, 2010, 8:15 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1541, HJR 94

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 24, 2010, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2053

FISCAL REVIEW

Wednesday, February 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

FISCAL REVIEW

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

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, February 24, 2010, 6:00 p.m. Hearing Room 5.
Working session on HB 1918.

HEALTH CARE POLICY

Wednesday, February 24, 2010, Hearing Room 6 12:00 p.m. or upon adjournment.
Executive session may follow.
Public hearing to be held on: HB 1898, HB 1650

INSURANCE POLICY

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 7.
Executive session may follow.
Public hearing to be held on: HB 1764, HB 2058

JUDICIARY

Wednesday, February 24, 2010, 1:00 p.m. Hearing Room 1.
Executive session may follow.
Public hearing to be held on: HB 1607, HB 1609, HB 1654, HB 2029, HB 2056

LOCAL GOVERNMENT

Wednesday, February 24, 2010, 8:00 a.m. Hearing Room 7.
Executive session may be held.
Public hearing to be held on: HB 1282, HB 1592, HB 1594, HB 2026, HB 1643, HB 2098

PUBLIC SAFETY

Wednesday, February 24, 2010, 2:00 p.m. House Chamber south gallery.
Executive session only.

SENIOR CITIZEN ADVOCACY

Wednesday, February 24, 2010, 5:00 p.m. Hearing Room 1.
Executive session.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 24, 2010, 8:45 a.m. Hearing Room 1.
Executive session.

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 PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 4.
Executive session may follow.
Public hearing to be held on: HB 1997, HB 2170

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 24, 2010, House Chamber south gallery upon morning adjournment.
Executive session.

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

TAX REFORM

Wednesday, February 24, 2010, 9:00 a.m. Hearing Room 5.
Executive session may follow.
Public hearing to be held on: HB 2131, HB 1953

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

VETERANS

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 5.
Executive session may follow.
Public hearing to be held on: HB 1943, HB 1580, HB 1524

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-EIGHTH DAY, WEDNESDAY, FEBRUARY 24, 2010

HOUSE BILLS FOR SECOND READING

HB 2223 through HB 2227

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 76 - Dethrow
- 2 HCS HJR 86 - Loehner

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1684 - Zerr
- 2 HCS HB 1498 - Jones (89)
- 3 HB 1741 - Pratt

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 - CONSENT

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