

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

SEVENTY-SECOND DAY, TUESDAY, MAY 25, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3490 through House Resolution No. 3497

SIGNING OF HOUSE BILLS

All other business of the House was suspended while **SS SCS HCS HB 1764** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SS SCS HCS HB 1764** was delivered to the Secretary of State by the Chief Clerk of the House.

Representative Emery offered an objection to **CCS SCS HCS HBs 1311 & 1341**, which was appended to the bill.

LETTER OF OBJECTION

May 2010

Jeremiah W. (Jay) Nixon
Governor
State Capitol, Room 216
105 West Capitol Avenue
Jefferson City, MO 65101

RE: **CCS SCS HCS HBs 1311 and 1341** Establishes provisions regarding health insurance coverage for individuals diagnosed with autism spectrum disorders and the licensure of applied behavior analysts.

Dear Governor Nixon:

I submit this objection to the signing of **CCS SCS HCS HBs 1311 and 1341** pursuant to article III, section 30 of the Constitution of Missouri.

This bill violates the fundamental and natural right to life of all Missouri citizens by inhibiting the freedom to choose and acquire health care that is necessary to preserve one's life and health from any source capable of providing medically efficacious health care. Any state mandate to provide coverage increases the cost of health care thereby making it less affordable. Furthermore, **House Bill No. 1311** prohibits the sale of health insurance to Missouri residents by out-of-state providers unless they conform to Missouri law. This violates the right of Missouri citizens to acquire medically efficacious health care from any source.

In general term, the distinction between Missouri residents and non-residents with regard to the availability and choice of health care lacks any rational basis whatsoever and is a violation of the Equal Protection Clause of the federal constitution. The restriction on the sale of health insurance to Missouri residents violates the fundamental rights to life and acts medical self defense by Missouri residents preserved by both the federal and state constitutions. The restriction on the sale of health insurance policies to Missouri residents by out-of-state health carriers violates the Supremacy Clause of the federal Constitution because the state of Missouri lacks jurisdiction to impose any extraterritorial restriction on the activities of Missouri residents and out-of-state health insurance carriers conducting transactions substantially outside of the state of Missouri.

The proposed legislation also violates the Commerce Clause of the federal constitution by inhibiting the sale of interstate goods and services to residents of Missouri. Missouri has unconstitutionally exempted its own health care plan, Missouri Health Net, as well as numerous small, in-state businesses from its mandate. These waivers and exemptions are unavailable to out-of-state companies thereby creating a competitive advantage for the state of Missouri and certain in-state businesses at the expense of a national free market in health care services.

Because of these numerous constitutional violations, I ask the Governor to act for the good of the people of Missouri and to veto **House Bill No. 1311**.

Sincerely,

/s/ Ed Emery

All other business of the House was suspended while **CCS SCS HCS HBs 1311 & 1341**, was read at length and was signed by the Speaker to the end that the same may become law.

All other business of the House was suspended while **HB 1270, SCS HCS HB 1316, HB 1340, SCS HCS HB 1375, SCS HB 1392, CCS SS HCS HBs 1408 & 1514, CCS SS SCS HB 1442, SCS HB 1444, HCS#2 HB 1472, SCS HCS HB 1516, SCS HCS HBs 1524 & 2260, CCS SS#2 SCS HCS#2 HB 1543, HB 1559, HB 1595, SCS HB 1612, HB 1643, HB 1654, HB 1662, SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, SS SCS HCS HBs 1695, 1742 & 1674, HB 1741, SS SCS HCS HB 1750, SS HCS HB 1806, SCS HCS HB 1831, HCS HB 1840, SS HCS HB 1848, SCS HCS HB 1858, CCS SCS HB 1868, SCS HB 1892, SS#2 HCS HB 1893, HB 1894, HCS HB 1898, SCS HCS HB 1903, SCS HB 1941, HB 1942, CCS SCS HCS HB 1965, HCS HB 1977, SCS HCS HB 2016, HB 2056, SS SCS HCS HB 2058, CCS HCS HB 2070, HCS HB 2081, HCS HBs 2147 & 2261, HCS HB 2161, HB 2182, SS SCS HCS HB 2198, SS SCS HCS HB 2201, CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990, HCS HB 2231, HCS HBs 2262 & 2264, HB 2270, SCS HB 2285, SS HB 2290, CCS SCS HCS HB 2297 and SS SCS HB 2317** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HCS HB 2001, CCS SS SCS HCS HB 2002, CCS SS SCS HCS HB 2003, CCS SCS HCS HB 2004, CCS SCS HCS HB 2005, CCS SCS HCS HB 2006, CCS SCS HCS HB 2007, CCS SCS HCS HB 2008, CCS SCS HCS HB 2009, CCS SCS HCS HB 2010, CCS SCS HCS HB 2011, CCS SCS HCS HB 2012, CCS SCS HCS HB 2013, CCS SCS HCS HBs 1311 & 1341, HB 1270, SCS HCS HB 1316, HB 1340, SCS HCS HB 1375, SCS HB 1392, CCS SS HCS HBs 1408 & 1514, CCS SS SCS HB 1442, SCS HB 1444, HCS#2 HB 1472, SCS HCS HB 1516, SCS HCS HBs 1524 & 2260, CCS SS#2 SCS HCS#2 HB 1543, HB 1559, HB 1595, SCS HB 1612, HB 1643, HB 1654, HB 1662, SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, SS SCS HCS HBs 1695, 1742 & 1674, HB 1741, SS SCS HCS HB 1750, SS HCS HB 1806, SCS HCS HB 1831, HCS HB 1840, SS HCS HB 1848, SCS HCS HB 1858, CCS SCS HB 1868, SCS HB 1892, SS#2 HCS HB 1893, HB 1894, HCS HB 1898, SCS HCS HB 1903, SCS HB 1941, HB 1942, CCS SCS HCS HB 1965, HCS HB 1977, SCS HCS HB 2016, HB 2056, SS SCS HCS HB 2058, CCS HCS HB 2070, HCS HB 2081, HCS HBs 2147 & 2261, HCS HB 2161, HB 2182, SS SCS HCS HB 2198, SS SCS HCS HB 2201, CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990, HCS HB 2231, HCS HBs 2262 & 2264, HB 2270, SCS HB 2285, SS HB 2290, CCS SCS HCS HB 2297 and SS SCS HB 2317** were delivered to the Governor by the Chief Clerk of the House.

SIGNING OF SENATE BILLS

All other business of the House was suspended while **SS SB 578, HCS SCS SB 583, HCS SS SCS SBs 586 & 617, SS SCS SB 588, SCS SB 630, SCS SB 644, SB 649, CCS HCS SCS SB 733, HCS SB 739, SB 753, CCS#2 HCS SCS SB 754, SB 758, SB 771, SCS SB 772, SCS SB 774, HCS SCS SB 777, CCS HCS SB 791, SS SCS SB 793, CCS HCS SB 795, SCS SB 808, SCS SB 834, CCS HCS SCS SBs 842, 799 & 809, CCS#3 HCS#2 SB 844, HCS SB 851, SS SCS SB 884, HCS SB 940, HCS SCS SB 942, SB 981, SS SB 984, SB 987** and **CCS HCS SS SB 1007** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

COMMITTEE APPOINTMENT

May 25, 2010

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

Re: Appointments to the Joint Interim Committee on Reducing the Size of State Government.

Dear Mr. Crumbliss:

Pursuant to **Senate Concurrent Resolution No. 54**, I am appointing the following members to the Joint Interim Committee on Reducing the Size of State Government:

Representative David Day
Representative Sally Faith

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Representative Ryan Silvey
Representative Rick Stream

If you have any questions, please contact my office.

Sincerely,

/s/ Ron Richard
Speaker

MESSAGE FROM THE GOVERNOR

May 25, 2010

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
95TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **Senate Substitute for House Committee Substitute for House Bill No. 1806** entitled:

"AN ACT"

To repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof four new sections relating to county classification, with an emergency clause.

On May 25, 2010, I approved said **Senate Substitute for House Committee Substitute for House Bill No. 1806**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

The following members' presence was noted: Ayres, Cunningham, Deeken, Dugger, Fallert, Fischer (107), Fisher (125), Frame, Gatschenberger, Jones (117), Koenig, Komo, Kratky, Kuessner, McClanahan, Meiners, Morris, Newman, Nolte, Pace, Pratt, Quinn, Riddle, Roorda, Schieffer, Schupp, Smith (14), Sutherland, Talboy and Walton Gray.

ADJOURNMENT

Speaker Richard declared the House of Representatives of the Ninety-fifth General Assembly, convened in the Second Regular Session on January 6, 2010, adjourned sine die, pursuant to the Constitution.

RONALD F. RICHARD
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House