

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

FORTY-EIGHTH DAY, WEDNESDAY, APRIL 7, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, You are merciful and compassionate - not quick to anger, but rich in loving-kindness. You are good to one and all; everything You do is covered with grace.

We cry out to You, LORD, our God, saying, "LORD, it is nothing for You to help, whether with many or with those who have no power; help us, O LORD our God, for we rest on You". We, today, and each day of this Session tackle the various bills and their amendments, making tough decisions that affect us all. Keeping that in mind, may we not find ourselves fighting against You, but instead yielding.

Guide us in our deliberations. We choose to see, know and understand everything from Your perspective. It is written, "Walk with the wise and become wise; associate with the unwise and get in trouble". May we recognize the difference between the two.

We acknowledge Your sovereignty over all. Our time, our finances, our focus, our future and our life is in Your hand.

Now may You, Lord, make us complete in every way. May we be of good comfort and of one mind. May we live in peace and may You, the God of love and peace, be with us each step of the way. The grace of our Lord and the love of God, and the communion of the Holy Spirit be with us all.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Melanie Blase, Paige Cummins, Madison Horn, Abigail Morrall, Abbie Thompson, Alexander Addison, Alex Dowil, Alijah Harrison, Peyton Munch, Tanner Sublette, Emma Foley, Heather Brown, Alex Russo, Megan Weber, Lisa Saville, Pat Powers, Leah Albers, Sarah Morgan, Olivia Rau and Maggie Schlink.

Speaker Pro Tem Pratt assumed the Chair.

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

SPECIAL RECOGNITION

Jim Friend was introduced by Representative Parson and recognized for being an outstanding citizen.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1650 through House Resolution No. 1793

HOUSE CONCURRENT RESOLUTION

Representatives Flanigan and Allen offered House Concurrent Resolution No. 80.

SECOND READING OF SENATE BILLS

SS SB 786, SB 894 and **SS SB 928** were read the second time.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 88, relating to state sovereignty, was taken up by Representative Nieves.

Representative Hobbs assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Nieves, **HJR 88** was ordered perfected and printed by the following vote:

AYES: 090

Allen	Ayres	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	Harris	Hobbs
Hoskins 121	Ice	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
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo

Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Skaggs	Spreng	Still	Storch	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 003

LeBlanc Vogt Mr Speaker

VACANCIES: 001

PERFECTION OF HOUSE BILL

HCS#2 HB 1543, as amended, with House Amendment No. 7, pending, relating to elementary and secondary education, was taken up by Representative Wallace.

Representative Witte offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

Representative Dieckhaus raised points of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is not properly drafted as a substitute amendment and goes beyond the scope of the bill.

The Chair ruled the second point of order well taken.

Representative Lampe offered **House Amendment No. 1 to House Amendment No. 7**.

House Amendment No. 1
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 4, Lines 23 to 25, by deleting all of said lines and inserting in lieu thereof the following:

“19. Coaches of competitive sports in secondary schools shall be allowed to recruit students to participate in such competitive sports regardless of where such student’s home address. Such students shall not be required to forfeit participation in practices or competitive events and may participate immediately upon enrollment at the team’s school.”; and

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

Representative Lampe moved that **House Amendment No. 1 to House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 036

Atkins	Brown 50	Bruns	Burnett	Calloway
Carter	Casey	Colona	Corcoran	Curls
Dethrow	Englund	Fallert	Holsman	Hummel
Jones 63	Kander	Kratky	Lampe	LeVota
Low	McDonald	McNeil	Meadows	Meiners
Morris	Nance	Pace	Schoemehl	Schupp
Skaggs	Talboy	Thomson	Wallace	Walton Gray
Whitehead				

NOES: 116

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Burlison
Chappelle-Nadal	Conway	Cox	Cunningham	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Ervin	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Gatschenberger	Grill
Grisamore	Guest	Harris	Hodges	Hoskins 80
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kraus	Kuessner	Lair	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McGhee
McNary	Molendorp	Munzlinger	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Tilley
Todd	Tracy	Walsh	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Franz	Guernsey	Hobbs	Hughes
LeBlanc	Pollock	Salva	Viebrock	Vogt

VACANCIES: 001

Representative Calloway offered **House Amendment No. 2 to House Amendment No. 7.**

House Amendment No. 2
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Line 6, by inserting immediately after the word “a” the following:

“metropolitan,”; and

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

On motion of Representative Calloway, **House Amendment No. 2 to House Amendment No. 7** was adopted.

HCS#2 HB 1543, as amended, with House Amendment No. 7, as amended, pending, was laid over.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

PERFECTION OF HOUSE BILLS

HCS#2 HB 1543, as amended, with House Amendment No. 7, as amended, pending, relating to elementary and secondary education, was again taken up by Representative Wallace.

Representative Silvey offered **House Amendment No. 3 to House Amendment No. 7**.

House Amendment No. 3
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 3, Lines 24 and 25, by deleting all of said lines and inserting in lieu thereof the following:

“parent or legal guardian, not to exceed one hundred percent of the difference between the two districts’ per pupil costs, to the receiving district. If the”; and

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

On motion of Representative Silvey, **House Amendment No. 3 to House Amendment No. 7** was adopted by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Day	Deeken	Denison	Dethrow

Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McGhee	McNeil	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Parkinson	Parson	Pratt	Roorda	Ruzicka
Salva	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Storch	Stream	Sutherland	Talboy
Thomson	Tilley	Viebrock	Wallace	Walsh
Webb	Webber	Wells	Wilson 119	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 032

Bringer	Bruns	Cooper	Davis	Dieckhaus
Emery	Frame	Hobbs	Kirkton	Koenig
McClanahan	McNary	Morris	Oxford	Pace
Quinn	Riddle	Ruestman	Sander	Sater
Schaaf	Self	Still	Swinger	Todd
Tracy	Walton Gray	Wasson	Weter	Whitehead
Wilson 130	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 011

Curls	Diehl	Holsman	Hughes	LeBlanc
McDonald	Meadows	Meiners	Pollock	Rucker
Vogt				

VACANCIES: 001

Representative Nasheed offered **House Amendment No. 4 to House Amendment No. 7.**

House Amendment No. 4
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 4, Line 22, by inserting after the word “**transportation.**” the following:

“Notwithstanding any other provision of law, the metropolitan district shall provide transportation for its resident students who choose to enroll in another district under this section, and the provisions of this section shall not apply to the metropolitan district unless such transportation is provided.”; and

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

Representative Nasheed moved that **House Amendment No. 4 to House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Biermann	Bringer	Brown 50	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Curls	Englund
Fallert	Fischer 107	Franz	Funderburk	Grill
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hummel	Jones 63	Kander	Kelly
Kingery	Kirkton	Komo	Kratky	Lampe
Low	McDonald	McNeil	Morris	Nance
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Rucker	Scavuzzo	Schoemehl	Schupp
Storch	Swinger	Talboy	Thomson	Todd
Viebrock	Wallace	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Zimmerman	

NOES: 092

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Burnett	Casey	Cooper	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Frame	Gatschenberger	Grisamore	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Koenig
Kraus	Kuessner	Lair	Largent	Leara
LeVota	Lipke	Loehner	McGhee	McNary
Meiners	Molendorp	Munzlinger	Nieves	Parkinson
Parson	Pollock	Pratt	Riddle	Roorda
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Tilley	Tracy	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 011

Diehl	Dougherty	Hobbs	Hughes	LeBlanc
Liese	McClanahan	Meadows	Nolte	Spreng
Vogt				

VACANCIES: 001

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
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	Wright	Zerr	Mr Speaker

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Hoskins 80	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meiners	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 011

Cunningham	Dougherty	Flook	Holsman	Hughes
LeBlanc	McGhee	Meadows	Nasheed	Spreng
Vogt				

VACANCIES: 001

Representative Dieckhaus moved that **House Amendment No. 7, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 034

Allen	Bivins	Burlison	Calloway	Cox
Davis	Dieckhaus	Dougherty	Emery	Ervin
Flook	Funderburk	Hoskins 80	Icet	Jones 63
Jones 89	Koenig	Lipke	McNary	Meiners
Nasheed	Nieves	Nolte	Parkinson	Riddle
Ruestman	Sander	Scharnhorst	Schoeller	Silvey
Stevenson	Sutherland	Tilley	Tracy	

NOES: 122

Atkins	Aull	Ayres	Biermann	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dixon
Dugger	Dusenberger	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Frame	Franz
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Loehner	Low	McClanahan
McDonald	McNeil	Molendorp	Morris	Munzlinger
Nance	Newman	Norr	Oxford	Pace
Parson	Pollock	Pratt	Quinn	Roorda
Rucker	Ruzicka	Salva	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoemehl
Schupp	Self	Shively	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Swinger	Talboy	Thomson	Todd	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Hughes	LeBlanc	McGhee	Meadows
Vogt				

VACANCIES: 001

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	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	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nasheed
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	Wright	Zerr
Mr Speaker				

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Flook	Grisamore	LeBlanc	McGhee	Meadows
Vogt				

VACANCIES: 001

On motion of Representative Wallace, **HCS#2 HB 1543, as amended**, was adopted.On motion of Representative Wallace, **HCS#2 HB 1543, as amended**, was ordered perfected and printed.

HCS HB 2048, relating to sales tax collections, was taken up by Representative Sutherland.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2048, Sections 140.910, 140.915, and 140.920, Pages 3-9, by deleting all of said sections; and

Further amend said bill, Sections 143.621, 143.631, 143.831, and 143.841, Pages 9-11, by deleting all of said sections; and

Further amend said bill, Sections 144.230, 144.240, 144.261, and 147.040, Pages 13-15, by deleting all of said sections; and

Further amend said bill, Section 473.401, Pages 15-16, Lines 1-28, by deleting all of said section; and

Further amend said bill, Section 2, Page 16, Lines 1-9, by deleting all of said section and inserting in lieu thereof the following:

“Section 2. Notwithstanding any other provision of law, any tax imposed or collected by any municipality, any county or any taxing entity on or related to any transient accommodations, whether imposed as a hotel tax, occupancy tax or otherwise, shall apply solely to amounts actually received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp or other place in which rooms are furnished to the public. Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel. This section shall not apply if the purchaser of such rooms is an entity that is exempt from payment of the tax.”; and

Further amend said bill, Section B, Page 16, Line 3, by deleting the words, “section 144.018” and inserting in lieu thereof the words, “sections 144.018, 1, and 2”; and

Further amend said bill, Section B, Page 17, Line 5, by deleting the words, “section 144.018” and inserting in lieu thereof the words, “sections 144.018, 1, and 2”; and

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

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

On motion of Representative Sutherland, **HCS HB 2048, as amended**, was adopted.

On motion of Representative Sutherland, **HCS HB 2048, as amended**, was ordered perfected and printed.

HCS HBs 1695, 1742 & 1674, relating to driving while intoxicated, was taken up by Representative Stevenson.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 8, Section 479.010, Line 1, by deleting the words “**section 577.023 or section 577.700**” and inserting in lieu thereof the following:

“section 577.023.18”; and

Further amend said bill, Page 10, Section 479.170, Line 10, by inserting immediately after the words “**alcohol-related**” the following:

“**enforcement**”; and

Further amend said bill, Page 11, Section 558.400, Line 1, by inserting immediately before the word “**Notwithstanding**”, the number “**1.**”; and

Further amend said page and section, Line 16, by inserting immediately after all of said line the following:

“**2. Any credit received by an offender shall only apply to the sentence which the offender is currently serving. Participation in such programs shall be at the discretion of the department of corrections as otherwise provided for by statute and regulation.**”; and

Further amend said bill, Pages 19-20, Section 577.023, Lines 139-144, by deleting all of said lines and inserting in lieu thereof the following:

“**(1) Any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section 577.023 or had two or more previous alcohol-related enforcement contacts as defined in section 302.525;**

(2) Any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001, if the defendant has been convicted, found guilty, or pled guilty to a previous intoxication-related traffic offense as defined in section 577.023 and the pending offense resulted in physical injury requiring medical attention to a person other than the driver; or”; and

Further amend said bill, Page 22, Section 577.041, Line 46, by deleting all of said line and inserting in lieu thereof the following:

“chemical test, such person may petition for a hearing before a circuit **division** or associate circuit **division of the court**”; and

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

Representative Witte 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 Nos. 1695, 1742 & 1674, Page 1, Line 5, by inserting after all of said line the following:

“Further amend said bill, Page 9, Section 479.020, Line 33, by inserting after the phrase “**section 577.023**” on said line the word “**including**”; and”; and

Further amend said amendment, Page 1, Line 20, by inserting after all of said line the following:

“Further amend said bill, Page 18, Section 577.023, Lines 100-103, by removing all of said lines from the bill and inserting in lieu thereof the following:

“**If a municipal court finds a person to be a persistent offender, aggravated offender, or chronic offender as described in this subsection and subsection 16 of this section, then it shall transfer the case to the appropriate circuit court with jurisdiction for further proceedings.**”; and”; and

Further amend said amendment, Page 2, Line 9, by inserting after all of said line the following:

“Further amend said bill, Page 25, Section 577.041, Line 134, by enclosing in brackets the phrase “and the person shall be guilty of a class A misdemeanor” on said line; and”; and

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

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 5, Section 217.785, Line 50, by inserting after all of said line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section [304.016, RSMo]**304.012, RSMo** 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

(14) Endangerment of a highway worker in violation of section 304.585, RSMo 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585, RSMo 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385, RSMo, may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.”; and

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

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

Representative Cox offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 10, Section 479.170, Line 15, by inserting immediately after the word “**injury**” the following:

“**requiring medical attention**”; and

Further amend said bill, Page 15, Section 577.020, Lines 72-81, by deleting all of said lines and inserting in lieu thereof the following:

“8. Due to the imminent destruction of evidence that may occur if a blood sample is not drawn in a timely manner, a blood sample may be extracted without a warrant and without consent from a person suspected of operating a motor vehicle in an intoxicated condition if that person has refused to submit to a chemical test authorized under this section. Any law enforcement officer taking a blood sample under this section shall file a probable cause affidavit setting forth the basis for the blood draw with the associate circuit court within seventy-two hours of arrest. Such affidavit must be executed by the seizing officer stating the basis for the blood draw and showing probable cause for such blood draw. The associate circuit judge shall review the affidavit ex parte and determine whether probable cause existed for the blood draw. The blood draw shall be tested and the results of the blood test on such sample are admissible in evidence pursuant to the exigent circumstances exception to the warrant requirement only after a judge of competent jurisdiction has determined that probable cause existed for the blood draw. No law enforcement officer who requests that a blood sample be drawn for the purpose of determining an individual’s blood alcohol content shall be civilly liable for damages to the individual from which the blood was drawn, unless for gross negligence or by willful or wanton act or omission.”; and

Further amend said bill, Page 21, Section 577.041, Line 18, by inserting after the word “**blood**” the following:

“in accordance with section 577.020.8”; and

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

On motion of Representative Cox, **House Amendment No. 3** was adopted.

Representative Keeney offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 20, Section 577.029, Lines 9-11, by deleting all of said lines and inserting in lieu thereof the following:

“withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full”; and

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

On motion of Representative Keeney, **House Amendment No. 4** was adopted by the following vote:

AYES: 111

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Burlison
Carter	Casey	Chappelle-Nadal	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hodges	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kingery
Koenig	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	McNary	Molendorp	Munzlinger

Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 040

Bruns	Burnett	Colona	Curls	Fallert
Frame	Grill	Harris	Hobbs	Holsman
Hoskins 80	Hughes	Jones 63	Kelly	Kirkton
Komo	Kratky	LeVota	Low	McDonald
McNeil	Morris	Nasheed	Newman	Oxford
Pace	Roorda	Rucker	Schoemehl	Schupp
Skaggs	Spreng	Still	Talboy	Walsh
Walton Gray	Webb	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 30	Brown 50	Calloway	Cooper	Corcoran
LeBlanc	Meadows	Meiners	Sutherland	Vogt
Webber				

VACANCIES: 001

Representative Fischer (107) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 9, Section 479.170, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“479.170. **1. The provisions of this section shall be known as and referred to as "Cary's Law".**

2. If, in the progress of any trial before a municipal judge, it shall appear to the”; and

Further amend by renumbering said section accordingly; and

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

On motion of Representative Fischer (107), **House Amendment No. 5** was adopted.

Representative Burnett offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for House Bills Nos. 1695, 1742 & 1674, Page 5, Section 217.785, Line 50, by inserting after all of said line the following:

“302.321. 1. A person commits the crime of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended, or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended, or revoked.

2. Any person convicted of driving while revoked is guilty **of an infraction** [of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class D felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class D felony on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense].”; and

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

On motion of Representative Burnett, **House Amendment No. 6** was adopted.

Representative Silvey offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 12, Section 577.010, by removing all of said section and inserting in lieu thereof the following:

“577.010. 1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class B misdemeanor, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class A misdemeanor**. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.”; and

Further amend said page, Section 577.012, by removing all of said section and inserting in lieu thereof the following:

“577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class B misdemeanor, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class A misdemeanor.**"; and

Further amend said bill, Page 16, Section 577.023, by removing all of said section and inserting in lieu thereof the following:

"577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or
(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690, RSMo;

(4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class D felony.**

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class C felony.**

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class B felony.**

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class A felony.**

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

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

On motion of Representative Silvey, **House Amendment No. 7** was adopted.

Representative Colona offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 12, Section 577.010, Lines 10-12, by deleting all of said lines and inserting in lieu thereof the following:

“probation for a minimum of two years. **For such first offense, if the**”; and

Further amend said bill, page, and section, Lines 22-23, by deleting all of said lines; and

Further amend said bill and page, Section 577.012, Lines 10-12, by deleting all of said lines and inserting in lieu thereof the following:

“misdemeanor. **For such first offense, if the individual operated the motor vehicle**”; and

Further amend said bill, Page 13, Section 577.012, Lines 21-22, by deleting all of said lines; and

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

On motion of Representative Colona, **House Amendment No. 8** was adopted.

Representative Roorda offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 9, Section 479.020, Lines 39-40, by deleting all of said lines and inserting in lieu thereof the following:

“**central repository. Circuit court clerks and municipal court clerks shall retain records of the judgment, charging document, any amendments to the charging document and waiver of counsel, if applicable, pertaining to intoxication-related traffic offense convictions for not less than fifty years. The state**”; and

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

On motion of Representative Roorda, **House Amendment No. 9** was adopted.

On motion of Representative Stevenson, **HCS HBs 1695, 1742 & 1674, as amended**, was adopted.

On motion of Representative Stevenson, **HCS HBs 1695, 1742 & 1674, as amended**, was ordered perfected and printed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2014, as amended**, and requests the House to take up and pass **SCS HCS HB 2014, as amended**.

BILL CARRYING REQUEST MESSAGE

SCS HCS HB 2014, as amended, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that **SCS HCS HB 2014, as amended**, be adopted.

Representative Talboy made a substitute motion that the House refuse to adopt **SCS HCS HB 2014, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences on Section 14.005.

Which motion was defeated by the following vote:

AYES: 063

Atkins	Aull	Ayres	Bringer	Brown 30
Burlison	Burnett	Calloway	Casey	Conway
Curls	Dixon	Dusenberg	Englund	Fallert
Fischer 107	Frame	Funderburk	Grill	Grisamore
Harris	Hodges	Hughes	Kander	Keeney
Kingery	Kraus	Kuessner	Lampe	LeVota
McClanahan	McDonald	McGhee	McNeil	Nance
Newman	Norr	Pratt	Quinn	Riddle
Roorda	Rucker	Scavuzzo	Schaaf	Schieffer
Schoemehl	Shively	Skaggs	Spreng	Stevenson
Swinger	Talboy	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Wilson 130	Witte	Yaeger		

NOES: 092

Allen	Biermann	Bivins	Brandom	Brown 50
Brown 149	Bruns	Carter	Chappelle-Nadal	Colona
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Emery	Ervin	Faith
Flanigan	Flook	Franz	Gatschenberger	Guernsey
Guest	Hobbs	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kelly	Kirkton	Koenig	Komo	Kratky
Lair	Largent	Leara	Liese	Lipke
Loehner	McNary	Molendorp	Morris	Munzlinger
Nasheed	Nieves	Nolte	Oxford	Pace
Parkinson	Parson	Pollock	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Schupp	Self	Silvey
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Thomson	Tilley	Tracy	Webber
Weter	Whitehead	Wilson 119	Wright	Zerr
Zimmerman	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Fisher 125	LeBlanc	Low	Meadows
Meiners	Vogt			

VACANCIES: 001

Representative Skaggs made a substitute motion that the body instruct the Clerk to retain possession of **SCS HCS HB 2014, as amended**.

The Chair ruled the motion not in order.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Iceet
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	Wright
Zerr	Mr Speaker			

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	McClanahan	McDonald
McNeil	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Corcoran	Fisher 125	Holsman	LeBlanc
Low	Meadows	Meiners	Vogt	

VACANCIES: 001

Representative Icet again moved that **SCS HCS HB 2014, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 075

Allen	Biermann	Bivins	Brown 50	Bruns
Burlison	Carter	Chappelle-Nadal	Colona	Cooper
Cox	Cunningham	Curls	Deeken	Diehl
Dougherty	Emery	Ervin	Faith	Flanigan
Flook	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 80	Hummel	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kirkton	Koenig
Komo	Kratky	Lair	Leara	Liese
Lipke	McNary	McNeil	Molendorp	Morris
Nasheed	Nieves	Nolte	Oxford	Pace
Parson	Riddle	Ruestman	Ruzicka	Sander
Sater	Schad	Scharnhorst	Self	Silvey
Smith 14	Stevenson	Still	Storch	Stream
Sutherland	Thomson	Tilley	Walton Gray	Webber
Whitehead	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 079

Atkins	Aull	Ayres	Brandom	Bringer
Brown 30	Brown 149	Burnett	Casey	Conway
Davis	Day	Denison	Dethrow	Dieckhaus
Dixon	Dugger	Dusenberg	Englund	Fallert
Fischer 107	Frame	Franz	Funderburk	Grill
Grisamore	Harris	Hodges	Holsman	Hoskins 121
Hughes	Kander	Kingery	Kraus	Kuessner
Lampe	Largent	LeVota	Loehner	McClanahan
McDonald	McGhee	Munzlinger	Nance	Newman
Norr	Parkinson	Pollock	Pratt	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schaaf
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Skaggs	Smith 150	Spreng	Swinger
Talboy	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Webb	Wells	Weter
Wilson 119	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Corcoran	Fisher 125	LeBlanc	Low
Meadows	Meiners	Vogt		

VACANCIES: 001

SCS HCS HB 2014, as amended, was laid over.

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 88 - Fiscal Review (Fiscal Note)

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS#2 HB 1543 - Fiscal Review (Fiscal Note)

HCS HB 2048 - Fiscal Review (Fiscal Note)

COMMITTEE REPORTS

Committee on Corrections and Public Institutions, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was returned **HCS HB 1644**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Cunningham reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 2201**, 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 Health Care Policy, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1650**, 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.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1822**, 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 Judiciary, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1380**, 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.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, April 8, 2010.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 6.
Possible Executive session and possible Work session.
Public hearing to be held on: HB 1367, HB 1455, SB 795

BUDGET

Thursday, April 8, 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

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.
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

CORRECTIONS AND PUBLIC INSTITUTIONS

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 1.
Executive session may follow.
Public hearing to be held on: HB 2137, SCS SB 774

FISCAL REVIEW

Thursday, April 8, 2010, 9:00 a.m. House Chamber south gallery.
All bills referred to committee.
Executive session may follow.

INSURANCE POLICY

Thursday, April 8, 2010, Hearing Room 7 upon morning adjournment.
Executive session only.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 8, 2010, 9:00 a.m. Hearing Room 1.
2nd Quarter meeting.

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

Thursday, April 8, 2010, Hearing Room 1 upon morning adjournment.
Possible Executive session.

Public hearing to be held on: HCR 70, HCS HB 1244, HCS HB 1316, HB 1444,
HCS HB 1584, HB 1636, HCS#2 HB 1812, HCS HB 1905, HB 1945, HCS HB 2225

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND
ETHICS REFORM

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 4.
Public hearing to be held on: SS#2 SCS SB 577

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION
FUNDING

Monday, April 12, 2010, 10:00 a.m.
APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.
Tour of storage yard and asphalt plant to increase familiarity with
asphalt and applications using asphalt.

TOURISM

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 7.
Executive session may follow.
Public hearing to be held on: SCS SB 721, SCS SB 644, SB 649

TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.
APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.
Tour storage yard and asphalt plant to increase familiarity with
asphalt and applications using asphalt.

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

WAYS AND MEANS

Thursday, April 8, 2010, 8:30 a.m. Hearing Room 5.
Possible Executive session.
Public hearing to be held on: SS SCS SB 588, SB 628, SB 686

HOUSE CALENDAR

FORTY-NINTH DAY, THURSDAY, APRIL 8, 2010

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 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 2357 - Smith (150)
- 8 HCS HB 2081 - Riddle
- 9 HCS HB 1994 - Zerr
- 10 HCS HB 1404 - Cox
- 11 HCS HB 1524 & 2260 - Largent
- 12 HCS HB 1788 - Parson
- 13 HCS HB 1871 - Schoeller
- 14 HB 1960 - Ruestman
- 15 HCS HB 2070 - Kelly
- 16 HCS HB 2262 & 2264 - Day

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 88, (Fiscal Review 4-7-10) - Nieves

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1787 - Jones (117)
- 2 HCS#2 HB 1543, (Fiscal Review 4-7-10) - Wallace
- 3 HCS HB 2048, (Fiscal Review 4-7-10), E.C. - Sutherland

HOUSE BILLS FOR THIRD READING - CONSENT

HB 1538 - Dusenbergl

HOUSE CONCURRENT RESOLUTIONS

HCS HCR 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

BILLS CARRYING REQUEST MESSAGES

SCS HCS HB 2014, as amended - Icet

HOUSE RESOLUTIONS

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