

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

THIRD DAY, MONDAY, JANUARY 12, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, may we draw near to You, this week, with a sincere heart in full assurance of faith, may we hold steadfastly to the hope we confess, for You are faithful.

Righteous God, only You are deserving of our reverence and our respect. All our yearnings are fulfilled in You, for You are faithful and true. There is no God like You, for You can do all things, even that which seems impossible to the human eye.

Today we ask for Your blessings on us as members of the Missouri House of Representatives – those of us newly elected and those of us who have served for years. O God, help us to be dedicated servants. Prepare us to serve well, our state, in this 95th General Assembly. We ask that You cleanse and purify our thoughts and motives so that we may serve You and our state with faithfulness and decorum.

We ask these things, in the name of Your Son. 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: Ava Pratt, James Patrick Whithouse and Emma Elizabeth Whithouse.

Speaker Pro Tem Pratt assumed the Chair.

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

AYES: 151

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	El-Amin	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Grill	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe

Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Schamhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Swinger	Thomson	Tilley
Todd	Tracy	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman
Mr Speaker				

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 011

Corcoran	Davis	Diehl	Flook	Grisamore
Hoskins 80	Hughes	Salva	Sutherland	Viebrock
Vogt				

HOUSE RESOLUTION

Representative Leara offered House Resolution No. 44.

HOUSE CONCURRENT RESOLUTION

Representative Hodges, et al., offered House Concurrent Resolution No. 7.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 6 was read the second time.

SECOND READING OF HOUSE BILLS

HB 229 through **HB 239** were read the second time.

SENATE CONCURRENT RESOLUTION

SCR 1, relating to the Inauguration Committee, was taken up by Representative Tilley.

On motion of Tilley, **SCR 1** was adopted by the following vote:

AYES: 148

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Swinger	Thomson	Tilley	Todd	Tracy
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright	Yaeger
Yates	Zerr	Zimmerman		

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 014

Corcoran	Davis	Diehl	Dougherty	Flook
Grisamore	Hughes	LeBlanc	McDonald	Salva
Sutherland	Viebrock	Vogt	Mr Speaker	

INAUGURAL COMMITTEE

The Speaker appointed the following members to the Inaugural Committee: Representatives Richard, Pratt, Tilley, Parson, Franz, Nieves, Ruestman, Allen, Zerr, Denison, Nance, LeVota, Kuessner, Roorda, Swinger, Curls, Lampe and Bringer.

Representative Tilley moved the House stand at ease until 10:50 a.m. to then convene in Joint Session to witness the inauguration of the newly elected Governor, Jeremiah W. "Jay" Nixon, and receive his message; and then stand adjourned until 10:00 a.m., Tuesday, January 13, 2009.

Which motion was adopted.

JOINT SESSION

The Senate and House of Representatives met in Joint Assembly on the steps of the State Capitol and President Pro Tem Shields called the Joint Assembly to order.

Governor-elect Jay Nixon was escorted to his place at the podium by the Legislative Inaugural Committee.

Performance by the 135th Army Band, MOARNG, Springfield, Missouri.

Welcome was extended by the Honorable Charlie Shields, President Pro Tem of the Senate.

Presentation of Colors by the Joint Service Color Guard.

Margaret L. Williams, 2008-2009 Missouri Teacher of the Year, University City High School, led the audience in the Pledge of the Allegiance to the flag.

Carmen Breckenridge Bennett, Music Teacher, Lathrop School District, Plattsburg, Missouri, sang the "National Anthem".

The Invocation was offered by Dr. Ron Webb, Pastor, Mount Calvary Powerhouse, Poplar Bluff, Missouri.

Introduction of Guests.

The Honorable Joe Dandurand, Justice of the Missouri Court of Appeals, Western District, administered the oath of office to Attorney General Christopher A. Koster.

The Honorable Laura Denvir Stith, Chief Justice of the Missouri Supreme Court, administered the oath of office to State Treasurer Clint Zweifel.

The Honorable Laura Denvir Stith, Chief Justice of the Missouri Supreme Court, administered the oath of office to Secretary of State Robin Carnahan.

The Honorable Stephen N. Limbaugh, Jr., United States District Judge, Eastern District of Missouri, administered the oath of office to Lieutenant Governor Peter D. Kinder.

Presentation of the Flag.

The Honorable Laura Denvir Stith, Chief Justice of the Missouri Supreme Court, administered the oath of office to Governor-elect Jeremiah W. "Jay" Nixon.

Immediately following the administration of the oath, military honors were rendered to Governor Nixon with the firing of a nineteen gun salute by the 1st Battalion, 129th Field Artillery Regiment (Truman's Own), MOARNG, Independence, Missouri.

Governor Nixon delivered his Inaugural Address.

"A New Day for Missouri"

Thank you, Justice Stith for being here today. Thank you, President Pro Tem Shields and Speaker Richard for joining us as well. Governor and Mrs. Blunt, thank you both for being here and for your years of service to the state of Missouri. I welcome Senators Bond and McCaskill, the other members of our Congressional delegation and the members of the Missouri General Assembly who have joined us today.

I'm joined today by Missouri's new First Lady and the love of my life, Georganne Nixon. And we're proud to be joined by our sons, Jeremiah and Will, and the rest of our family.

And I thank all of you for coming out today.

Well, here we are. Together, in the heart of winter. Here from different corners of the state. From different walks of life.

But today we stand united – as much as any time in history. United as Americans. And as Missourians.

United by the common uncertainty of our future. Not knowing what tomorrow will bring.

Worried that this uncertain economy will mean that our children may not have every opportunity that we've had.

The challenges we face are historic. But so are the opportunities.

Ladies and gentlemen: Today marks a new day for Missouri.

Today, we make a fresh start. It's a day on which we separate the shortcomings of yesterday from the hope of tomorrow.

Today, we stop thinking about what should have been. And we start creating the future we all deserve.

Today, we turn the page.

Together, we mark a new day for Missouri.

Here in the Show-Me State, we have honorable and hardworking people. Skilled and talented workers and craftspeople.

But too many Missourians can't make ends meet in the job they're in, can't find the job they want, or fear they may lose the job they have. Too many Missourians are working harder and harder, but are not getting ahead.

The current economic downturn has certainly made these problems worse, and immediate action is needed. But in tackling the problems of today, we must not lose sight of the longer-term challenge: to boldly move Missouri's economy into the 21st Century.

The world around us is changing, and it's happening quickly. The new economy is upon us.

The people of this great state have never waited for the future; we've always sought it out. We are a state born from pioneers and innovators.

In the 19th Century, Daniel Boone and Lewis and Clark helped pave the way for a new state to take its place in a still-imperfect nation. Their Missouri stories are now legend.

And at the start of the 20th Century, George Washington Carver, a young man born into slavery, forever changed the agriculture industry for the entire world.

We have a history of overcoming adversity with innovation. And just as our forebears inspired a nation by settling a new land west of the Mississippi in the first days of the 19th Century, so today Missourians must lead our nation by seizing the new opportunities of the 21st Century.

Here in Missouri, we will not only compete. We will lead.

This new economy requires a new day for Missouri.

We'll invest in new technology. We'll inspire cutting-edge innovation. And we'll embrace science, not fear it.

And not only will we lead with our ideas, but we'll also lead with our greatest asset – our people. We must prepare our world-class workers with 21st-Century skills and connect them with the jobs of tomorrow that we will create.

The jobs that will lead our nation to energy independence.

The jobs that will build fuel-efficient automobiles and energy-efficient homes.

The jobs that will develop the lifesaving cures of tomorrow.

The jobs that will change the way we do business, change the way we travel and change the way we channel information.

All right here in Missouri.

We'll turn this economy around by making Missouri a magnet for next-generation jobs.

To bring about a new day in Missouri, we'll need to implement new policies. And this new day will not be possible unless there is a new tone in Jefferson City.

Because for too many years, politics and partisanship have stood in the way of progress. And the people of Missouri are tired of it.

The family in Hannibal that's struggling to pay for health care has no appetite for partisan bickering in Jefferson City.

The new father in Rolla who had his job outsourced doesn't care if an economic stimulus plan was written by a Democrat or a Republican. He just wants to make ends meet for his young family.

And the small businesswoman struggling to keep the doors open on Main Street doesn't have a lobbyist walking the halls of the Capitol for her.

The only way we'll meet the needs of Missouri families is by working together. In a bipartisan way, across the aisle. Putting our shared principles ahead of our political differences.

Now, new leadership in Jefferson City and in Washington isn't enough. The answers to our problems won't all come from government.

We need new leaders to step up in communities across our state – and I'm not just talking about elected officials.

Tough times call for a renewed sense of purpose. A new day for public service and volunteerism.

We need all Missourians to step up and do more to make our communities stronger.

We need more parents to get active in our local schools.

We need more role models to mentor our children and coach our youth sports teams.

We must get involved in our places of worship. Get involved in our local civic groups. Volunteer our time at senior citizen homes.

Community service is not a chore or a burden. It's a responsibility, and an honor.

We will only turn our state around if we all do our part.

I grew up in De Soto, Missouri – a small town in Jefferson County. I go back frequently and visit with old friends. When I do, I'm reminded why our state is so strong.

It's because here in Missouri, we go to work early and stay late.

We love our families and our faith. We have a strong tradition of neighbor-helping-neighbor. And when times are tough, we meet the challenges, and we always come back stronger.

And I know a lot of folks around this state could use a fresh start. A new beginning. A reason to believe that the best days for their families are still to come.

The next generation will be able to seize opportunities that we cannot even imagine today. We can protect our special way of life here in Missouri, while at the same time moving boldly to embrace the future.

Together, we can see that future. Today is a new day for Missouri.

It's a new day for every child in our state with big dreams.

It's a new day for the small-business owner who knows that with a little help, her hard work will pay off, and brighter days are ahead.

It's a new day for the family that recently sat around the kitchen table to decide if they should take out a second mortgage so that they can send their second child to college.

And it's a new day for the men and women who work day-in and day-out to build the best products in America. The autoworker, the construction worker, the lab technician and the engineer.

As your Governor, I will work every day to help make this brighter future a reality for all Missouri families.

I am honored and humbled by the opportunity to lead our state during this critical time.

As our family moves into the Governor's Mansion, we do so knowing that it's your house – not ours. And we hope you'll visit us often.

And together, we will make a new day for Missouri.

Thank you, and God bless.

Musical selections performed by the 135th Army Band, MOARNG, Springfield, Missouri.

The Benediction was pronounced by Rabbi Susan Talve, Central Reform Congregation, St. Louis, Missouri.

Retirement of the Colors by the Joint Service Color Guard.

Governor and Mrs. Nixon were escorted from the platform by the Legislative Inaugural Committee.

The Joint Session was dissolved by President Pro Tem Shields.

Musical selections performed by the 135th Army Band, MOARNG, Springfield, Missouri.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 12, introduced by Representatives Yates, Ervin, Dusenberg, Grisamore, Molendorp, Dixon, Sander and Smith (150), relating to the citizens' commission on compensation.

HJR 13, introduced by Representatives Kingery, Talboy, Silvey, Jones (89), Nance, Sater, Ruestman, Kuessner, Wallace, Faith, Schad, Wells, Emery, Dougherty, Cooper, Oxford, Munzlinger, Funderburk, Bivins and Sander, relating to the general assembly.

INTRODUCTION OF HOUSE BILLS

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

HB 240, introduced by Representatives Hobbs, Bruns, Pratt, Richard, Wilson (130), Cunningham, Wasson and Flook, relating to the new markets tax credit program.

HB 241, introduced by Representatives Yates, Dusenberg, Grisamore, Davis, El-Amin and Atkins, relating to the enforcement of traffic control signal violations.

HB 242, introduced by Representatives Kingery, Smith (150), Day, Nance, Sater, Cox, Schad, Faith, Wallace, McGhee, Dougherty, Wilson (130), Wilson (119), Munzlinger, Funderburk and Bivins, relating to four-day school weeks.

HB 243, introduced by Representative Molendorp, relating to the state board of embalmers and funeral directors.

HB 244, introduced by Representatives Hodges, Roorda, Kuessner, Parkinson, Sater and Schieffer, relating to unlawful use of weapons.

HB 245, introduced by Representatives Hodges, Schoemehl, Roorda and Schieffer, relating to the land reclamation commission.

HB 246, introduced by Representatives Loehner, Deeken, Schad, Jones (117), Schlottach, Wilson (119), Wallace, Nance, Bruns, Munzlinger and Sater, relating to surface mining and gravel excavation.

HB 247, introduced by Representatives Loehner, McClanahan, Kirkton, Jones (117), Schad, Sater, Cooper, Fallert and Hughes, relating to the nursing student loan program.

HB 248, introduced by Representatives Funderburk, Sater, Schoeller, Jones (89), Stream, Faith, Harris, Grisamore, Davis, Nasheed and Emery, relating to Missouri dependency exemptions.

The following members' presence was noted: Corcoran, Davis, Diehl, Grisamore, Hughes, Viebrock and Vogt.

ADJOURNMENT

Pursuant to the motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, January 13, 2009.

COMMITTEE MEETINGS

RULES

Tuesday, January 13, 2009, Hearing Room 1 upon morning adjournment.
Executive session will be held on: HR 18

HOUSE CALENDAR

FOURTH DAY, TUESDAY, JANUARY 13, 2009

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 12 and HJR 13

HOUSE BILLS FOR SECOND READING

HB 240 through HB 248