

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

EIGHTH DAY, WEDNESDAY, JANUARY 21, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Holy God, acknowledge Your written Word which states; "an honorable person acts honestly and stands firm for what is right."

O Mighty and Awesome God, You are the God of the past, present and future, and You see all of time and history in perfect harmony. You are kind and gracious as You guide us in our ways.

May we be guided by You in all our choices. We pray for a good and prosperous week, covered by Your grace and mercy. May the work done in this assembly, continue to honor You in every way.

Now Lord, God, deal with us kindly as we proceed with the business of the day. Give us answers to the questions that lie before us. May we rest in the assurance that Your presence is in this place.

All glory, majesty, power and authority belong to You.

We ask these things in the name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 145

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 73	Brown 149	Bruns
Burlison	Carter	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Ice	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
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	Salva	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Webb	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 007

Bringer	Burnett	Calloway	Low	Talboy
Vogt	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Curls	Grisamore	Jones 63	Lampe
LeVota	Sander	Skaggs	Storch	Walton Gray
Webber				

SPECIAL RECOGNITION

The Missouri Society of Certified Public Accountants was introduced by Representatives Hoskins (121) and Wright and presented a resolution for their 100th year of service in the field of accountancy.

HOUSE RESOLUTION

Representative Davis offered House Resolution No. 155.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 154

House Resolution No. 156 through House Resolution No. 187

HOUSE CONCURRENT RESOLUTION

Representative Burnett offered House Concurrent Resolution No. 12.

SECOND READING OF HOUSE BILLS

HB 323 through **HB 330** were read the second time.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE CONCURRENT RESOLUTION NO. 5

AN ACT

Relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

WHEREAS, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizens' Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

WHEREAS, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

WHEREAS, the Missouri Citizens' Commission on Compensation of Elected Officials has recommended that statewide elected officials, legislators, and judges receive a cost-of-living adjustment only if a cost-of-living adjustment is approved by the Missouri General Assembly for all state employees; and

WHEREAS, in addition, the Commission recommended a pay increase of \$1,500 annually to each of the state's associate circuit court judges and that judges be allowed a per diem for attending an annual three-day judicial conference which equals the per diem received by member of the Missouri General Assembly. Such recommendations are not contingent upon the approval of a cost-of-living adjustment for all state employees; and

WHEREAS, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2009:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, that the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials be disapproved; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

INTRODUCTION OF HOUSE BILLS

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

HB 331, introduced by Representatives Faith, Nasheed, McGhee, Wright, Wells and McNeil, relating to the Missouri GED+ Program.

HB 332, introduced by Representative Cunningham, relating to military scholarships.

HB 333, introduced by Representatives Burnett, Stevenson, Grill, Low, Holsman, Talboy and Vogt, relating to limited liability companies.

HB 334, introduced by Representatives Burnett and Stevenson, relating to municipal ordinance violations.

HB 335, introduced by Representatives Burnett and Stevenson, relating to driver's license suspensions.

HB 336, introduced by Representatives Burnett, Yaeger, Grill, Low, Talboy, Vogt, Corcoran, Lampe and Nasheed, relating to debt-management services.

HB 337, introduced by Representatives El-Amin, Webb, Wildberger, McGhee, Pace, Schieffer, Brown (50), Atkins and Still, relating to tampering with or intimidating victims and witnesses.

HB 338, introduced by Representative Kelly, relating to transient guest taxes for certain cities.

HB 339, introduced by Representatives El-Amin, Jones (63), Schaaf, Colona, McGhee, Low, Brown (50), Pace, Roorda, Carter and Webb, relating to the stop HIV/AIDS in prison act.

HB 340, introduced by Representative Cunningham, relating to holidays.

HB 341, introduced by Representative Cunningham, relating to teacher and school employee retirement systems.

HB 342, introduced by Representatives El-Amin, Jones (63), Colona, Low, Still, Pace, Schieffer, McGhee, Carter, Nasheed and Webb, relating to prostate cancer imaging technologies.

HB 343, introduced by Representatives El-Amin, Munzlinger, Low, Atkins, Brown (50) and Pace, relating to drivers' licenses.

HB 344, introduced by Representatives Nolte, Ruestman and Emery, relating to alcohol beverage vaporizers.

HB 345, introduced by Representatives Scharnhorst, Tilley, Fisher (125), Schad, Leara, Gatschenberger, Nieves and Brown (30), relating to public holidays.

HB 346, introduced by Representatives Schieffer, Kander, Oxford, Schupp, LeBlanc, Norr, Biermann, Still, Hodges, Nolte, Wilson (119), Kuessner, Calloway, Fallert, Colona, Komo, Corcoran, Walsh and Meadows, relating to deceptive advertising practices.

HB 347, introduced by Representative Schlottach, relating to Missouri retirement systems.

HB 348, introduced by Representatives Parkinson, Jones (89), Ruestman, Nieves, Funderburk, Silvey and Cox, relating to an income tax deduction for school supplies.

HB 349, introduced by Representatives Parkinson, Nance, Nieves and Atkins, relating to driver's licenses and identification for persons who are permanently disabled.

HB 350, introduced by Representatives Parkinson, Smith (14), Jones (89), Cox, Scharnhorst, Nieves, Funderburk and Atkins, relating to unauthorized aliens.

HB 351, introduced by Representatives Parkinson, Yates, Smith (14), Brown (30), Cox, Kraus and Ruestman, relating to the sentencing of felons.

HB 352, introduced by Representatives Cooper, Weter, Sater, Kirkton and Schaaf, relating to the licensing of tanning facilities.

WITHDRAWAL OF HOUSE BILL

January 21, 2009

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

Dear Mr. Crumbliss:

I would like to request that **House Bill No. 145** be withdrawn. Thank you for your help in this matter, and I look forward to any questions you might have.

Sincerely,

/s/ Leonard (Jonas) Hughes, IV
42nd District

The following members' presence was noted: Grisamore and LeVota.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 22, 2009.

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Thursday, January 22, 2009, 8:00 a.m. Hearing Room 3.

Review of Departments of Natural Resources and Conservation.

New decision items from previous year budgets.

APPROPRIATIONS - EDUCATION

Thursday, January 22, 2009, 8:00 a.m. Hearing Room 1.

Organizational meeting/public testimony.

Testimony to be heard in sign up order.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 22, 2009, 8:00 a.m. Hearing Room 5.

Public and provider testimony.

Testimony to be heard in sign-up order. Please call 573-751-1480.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, January 27, 2009, 8:00 a.m. Hearing Room 3.

Public testimony for the Departments of Economic Development, Insurance, Labor and Industrial Relations and the Missouri Department of Transportation.

BUDGET

Wednesday, January 28, 2009, 8:00 a.m. Hearing Room 3.

Organizational meeting.

INTERIM COMMITTEE ON EMERGING ISSUES IN AGRICULTURE

Monday, January 26, 2009, 1:00 p.m. Hearing Room 1.

Review and finalize committee's report.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, January 26, 2009, 2:30 p.m. Senate Committee Room 1.

Quarterly business meeting.

Presentation of Oversight Program Evaluation Reports.

Some portions of the meeting may be closed pursuant to Section 610.021.

HOUSE CALENDAR

NINTH DAY, THURSDAY, JANUARY 22, 2009

HOUSE BILLS FOR SECOND READING

HB 331 through HB 352

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 5, (1-21-09) - McGhee