

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTH DAY, WEDNESDAY, JANUARY 13, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Father, You are our refuge and strength; a present help in time of trouble. Even in the aftermath of an earthquake where buildings have crumbled and many are dead or injured in Haiti, You are a living hope and stability. As many seek out shelter and protection from debris, may You lead, guide and direct to places of safety. May the peace of God, that passes all understanding, guard hearts and minds. May Your love, mercy and grace be evident in abundance throughout the islands. May the lines of communication be quickly reestablished and roads opened in order that government and relief agencies are able to make proper assessments.

While hopelessness and despair are quickly becoming a constant companion with the residents of the island, may we rise up and be visible vessels of hope and encouragement. Guide us in a prayerful response to this tragedy so that we may be a help and not a hindrance, stability in instability, courage in the face of fear, and provision in growing lack.

Now, unto You, who is able to do exceedingly abundantly above all that we ask or think, according to the power that works in us, to You be glory to all generations, forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 151

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icey	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr

Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Talboy                      Witte

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway                      Cooper                      Hughes                      Loehner                      Tracy  
Wasson

VACANCIES: 004

### **SPECIAL RECOGNITION**

The Blair Oaks Lady Falcons Softball Team was introduced by Representative Bruns and recognized for attaining the 2009 Class 2 State Championship.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 91 through House Resolution No. 111

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Scavuzzo, et al., offered House Concurrent Resolution No. 21.  
Representative Grill, et al., offered House Concurrent Resolution No. 22.  
Representative Storch, et al., offered House Concurrent Resolution No. 23.  
Representative Hoskins (121) offered House Concurrent Resolution No. 24.  
Representative Guest, et al., offered House Concurrent Resolution No. 25.

### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 20** was read the second time.

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 71** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 1581** through **HB 1602** were read the second time.

**COMMITTEE REPORT**

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HCR 18**, 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.

HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, the current health care proposal being debated in the United States Congress will raise federal taxes and force new taxes on Missourians, which are detrimental to Missouri's economy; and

WHEREAS, Missouri families and employers may be facing even more mandates that drive up costs if the United States Congress passes the current health care proposal; and

WHEREAS, the federal government's attempt to reform health care has overwhelmingly centered around increasing eligibility to health care, but not addressing important issues such as increasing access, provider rates or quality of care; and

WHEREAS, the current health care proposal might allow the expenditure of public funds for abortions; and

WHEREAS, the current health care proposal works a substantial change to longstanding practices governing end of life decisions; and

WHEREAS, there has been a complete lack of transparency during the final negotiations to craft this legislation and special deals have already emerged that are going to put Missouri at a disadvantage; and

WHEREAS, the unfunded mandates and special deals will place greater pressure on Missouri taxpayers and put funding for education, mental health services, public safety, and all other essential state services at risk:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge our Missouri Congressional delegation to vote against the current health care proposal and to further request that our elected statewide officials express their respective positions on the passage of the current health care proposal and send a unified message to our Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urge our elected statewide officials to review the constitutionality of the current health care proposal, which includes several special deals for other states, including the "Nebraska kickback"; and

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

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

**HJR 72**, introduced by Representatives Smith (150), Diehl, Dieckhaus, Ruzicka, Nance, Gatschenberger, Ruestman, Wilson (119), Koenig, Schad and Smith (14), relating to the executive department.

**HJR 73**, introduced by Representatives Storch, Kirkton, LeVota, Webb, Walton Gray, Kander, Still, Nasheed, Grill, Schupp, Schieffer, Oxford and Lampe, relating to congressional and legislative redistricting.

**HJR 74**, introduced by Representatives Gatschenberger, Smith (14), Emery, Jones (89), Grisamore, Funderburk, Fisher (125), Nolte and Schad, relating to health care services.

## INTRODUCTION OF HOUSE BILLS

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

**HB 1603**, introduced by Representatives Scavuzzo, Harris and Talboy, relating to adverse possession.

**HB 1604**, introduced by Representatives Scavuzzo, Todd, Harris and Talboy, relating to newborn screenings.

**HB 1605**, introduced by Representative Molendorp, relating to storage fees for towed vehicles.

**HB 1606**, introduced by Representatives Sater, Schlottach, Wallace, Zerr, Schieffer, Jones (89), Lair, Funderburk, Munzlinger, Schad, Smith (150), Wilson (130) and Dougherty, relating to sales tax exemptions for farm equipment.

**HB 1607**, introduced by Representative Diehl, relating to the presiding judge's authority to make certain judicial assignments.

**HB 1608**, introduced by Representative Diehl, relating to the conveyance of property by husband and wife by tenancy by the entirety.

**HB 1609**, introduced by Representative Diehl, relating to assignment of associate circuit judges.

**HB 1610**, introduced by Representative Schoeller, relating to utilities.

**HB 1611**, introduced by Representatives Walsh, Meadows, Lampe, McNeil, Schieffer, Corcoran, Pace, Funderburk, Chappelle-Nadal, Oxford and Kratky, relating to orders of protection.

**HB 1612**, introduced by Representatives Molendorp and Scavuzzo, relating to sewer district trustees.

**HB 1613**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Still, Brown (50), Nasheed, Atkins, Grill, Schupp, Schieffer, Oxford, Grisamore, Lampe and Schoemehl, relating to the safe place for newborns act.

**HB 1614**, introduced by Representatives Storch, LeVota, Talboy, Webb, Still, Nasheed, Schupp, Schieffer, Oxford, Yaeger, Lampe and Schoemehl, relating to child-care facilities.

**HB 1615**, introduced by Representatives Storch, LeVota, Corcoran, Talboy, Webb, Komo, Still, Kander, Brown (50), Nasheed, Grill and Schupp, relating to a tax credit for qualified research expenses.

**HB 1616**, introduced by Representatives Storch, LeVota, Corcoran, Talboy, Webb, Komo, Still, Kander, Brown (50), Nasheed, Grill, Zimmerman and Schupp, relating to tax credits for qualified research expenses.

**HB 1617**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Still, Nasheed, Atkins, Grill, Schupp, Schieffer, Oxford and Yaeger, relating to towing.

**HB 1618**, introduced by Representatives Storch, Kirkton, LeVota, Talboy, Webb, Zerr, Komo, Nasheed, Schupp, Oxford and Sutherland, relating to sales tax exemptions.

**HB 1619**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Nasheed, Grill, Schupp, Schieffer, Oxford, Still and Schoemehl, relating to the twenty-first century scholars program.

**HB 1620**, introduced by Representatives Molendorp and Swinger, relating to insurance coverage for dental services.

**HB 1621**, introduced by Representatives McNeil, Sutherland, Roorda, Schieffer, Rucker, Carter, Fischer (107), Corcoran, Walton Gray, Atkins, Calloway, Hummel, Oxford, Pace, Hughes, Morris, Burlison, Emery and Zerr, relating to senior citizens property tax relief.

**HB 1622**, introduced by Representative Molendorp, relating to immunity from liability for certain volunteers.

**HB 1623**, introduced by Representative Molendorp, relating to the definition of a "public place" under the Indoor Clean Air Act.

**HB 1624**, introduced by Representative Sutherland, relating to the state park earnings fund.

**HB 1625**, introduced by Representatives Nance and Sater, relating to notices to parents or guardians of uninsured children.

**HB 1626**, introduced by Representatives Nance, Wells, Flanigan, Gatschenberger and Dougherty, relating to red light traffic violations.

**HB 1627**, introduced by Representatives Nance, Day, Fisher (125), Weter, Sater, Biermann, Ruestman, Wilson (130) and Atkins, relating to supplemental food stamp assistance.

**HB 1628**, introduced by Representatives Nasheed, Roorda, Atkins, Walton Gray, Carter, Storch, Englund, Wallace, Holsman, Fallert, Morris, Curls, Kelly, Hughes, Chappelle-Nadal, Grill, Talboy, Kander, Fischer (107), Oxford and McNary, relating to dropout prevention and recovery.

**HB 1629**, introduced by Representatives Nasheed, Roorda, Atkins, Walton Gray, Carter, Storch, Englund, Wallace, Holsman, Fallert, Morris, Curls, Kelly, Hughes, Talboy, Grill, Chappelle-Nadal, Kander, Fischer (107), Oxford and McNary, relating to the governor's dropout advisory commission.

**HB 1630**, introduced by Representative Viebrock, relating to residential and commercial septage pumpers.

**HB 1631**, introduced by Representatives Pollock, Allen, Grisamore, Fisher (125), Emery, Brown (149) and Wells, relating to sexual contact with a patient.

**HB 1632**, introduced by Representatives Pollock, Wells, Thomson, Schad, Fisher (125), Wilson (130) and Brown (149), relating to the unemployment compensation fund.

**HB 1633**, introduced by Representatives Pollock, Denison, Ruestman, Grisamore, Brown (149) and Wells, relating to caller location information.

**HB 1634**, introduced by Representatives Wells, Funderburk, Nance, Faith, Weter, Pollock, Thomson, Hoskins (121), Denison, Schad, Wilson (119), Wallace, Jones (117), Gatschenberger, McGhee, Fisher (125), Dugger, Sater, Dougherty, Franz, Yaeger, Brown (50), Sutherland, Nieves, Ruestman, Kingery, Zerr, Tilley, Tracy, Hodges, Lampe, McClanahan and Pratt, relating to the homeowner grant program fund.

**HB 1635**, introduced by Representatives Flook, Jones (89), Dusenberg, Kraus, Grisamore, Pollock, Deeken, Komo, Pratt, McGhee, Zerr, Storch, Kratky, Day, Lair, Corcoran, Fisher (125), Brandom, Allen, Burlison, Wilson (119), Grill, Dieckhaus, Schieffer, Munzlinger and Brown (50), relating to job growth.

**HB 1636**, introduced by Representative Wasson, relating to special event motor vehicle auction licenses.

**HB 1637**, introduced by Representative Wasson, relating to a special license plate for the Multiple Sclerosis Society.

**HB 1638**, introduced by Representative Wasson, relating to a special license plate for the Nixa Education Foundation.

**HB 1639**, introduced by Representative Wasson, relating to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects.

**HB 1640**, introduced by Representatives Roorda, Burnett, Talboy and Schieffer, relating to county court municipal judges.

**HB 1641**, introduced by Representatives Brown (50), Nasheed, Jones (63), Carter, Webb and Newman, relating to the Missouri universal health assurance program.

**HB 1642**, introduced by Representatives Brown (50), Corcoran, Walton Gray, Pace, Schieffer, Nance, Nasheed, Grill, Rucker, Hummel, Webb, Funderburk, Franz, Faith, Newman, Harris, Burlison, Fischer (107), Yaeger, Scavuzzo, Lair, Ruzicka, Denison, Wells and Pollock, relating to a tax credit for employers who hire high school students for summer jobs.

**HB 1643**, introduced by Representatives Brown (50), Walton Gray, Nasheed, Scavuzzo, Quinn, Todd, Fischer (107), McNeil, Webb, Calloway, Gatschenberger, Chappelle-Nadal, McDonald, Jones (63), Oxford, Hummel, Hughes, Komo, Storch, Schupp and Webber, relating to recording fees.

**HB 1644**, introduced by Representatives Riddle, McGhee, Dixon, Diehl, Brown (149), Hoskins (121), Guernsey, Zerr, Molendorp, Smith (150), Franz, Bruns, Cunningham, Jones (117), Nolte, Stream, Flook, Wallace, Kingery, Loehner, Sander, Gatschenberger, Day, Wright, Lair, Fisher (125), Smith (14), Flanigan, Allen, Wilson (119), Schad, Schoeller, Stevenson, Largent, Casey, Pace, Quinn and Fischer (107), relating to certain crimes involving mistreatment of a patient.

**HB 1645**, introduced by Representatives Hoskins (121), Dieckhaus, Nance, Wilson (130), Day, Ervin, Nolte, Kraus, Burlison, Lair, Flanigan, McNary, Cox, Schad, Wells, Largent, Molendorp, Brown (149), Wright and Smith (150), relating to the daily expense allowance for senators and representatives.

**HB 1646**, introduced by Representatives Cooper, Sater and Stevenson, relating to county courts in first class counties.

**HB 1647**, introduced by Representatives Cooper and Jones (89), relating to property taxation.

**HB 1648**, introduced by Representatives Cooper, Sater and Still, relating to permanent cosmetics.

**HB 1649**, introduced by Representatives Cooper, Sater, Still, Wells and Schaaf, relating to tobacco use on public school property.

**HB 1650**, introduced by Representatives Cooper, Dusenberg, Schaaf and Sater, relating to the state legal expense fund.

**HB 1651**, introduced by Representatives Cooper, Funderburk, Emery, Davis, Sander, Sater, Stream, Grisamore, Riddle, Schad and Pollock, relating to teacher academic freedom to teach scientific evidence regarding evolution.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 2**.

**COMMITTEE CHANGES**

January 13, 2010

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

RE: Appointments to the Joint Committee on Legislative Research

Dear Mr. Crumbliss:

Pursuant to Section 23.010, RSMo, I am appointing the following Representative to the Joint Committee on Legislative Research:

Representative Tom Flanigan

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

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Chris Kelly as a member of the Judiciary Committee.

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

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

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

Dear Mr. Crumbliss:

I hereby remove Representative Tom McDonald as a member of the Special Standing Committee on Children and Families.

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

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Cole McNary as vice chairman of the Special Standing Committee on Infrastructure and Transportation Funding.

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

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

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

Dear Mr. Crumbliss:

I hereby remove Representative Jeanie Riddle as a member of the Public Safety Committee, and appoint Representative Casey Guernsey as a member and as vice chairman of the Public Safety Committee.

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

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Jeanie Riddle as a member of the Job Creation and Economic Development Committee.

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

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

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

Dear Mr. Crumbliss:

I hereby appoint Representative Martin Rucker as a member of the Budget Committee.

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

Sincerely,

/s/ Ron Richard  
Speaker

## COMMUNICATION

January 13, 2010

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

Dear Mr. Crumbliss:

Pursuant to Chapter 105.461, RSMo, this letter is an official report that my father, Keith Sutherland, is the 12<sup>th</sup> Circuit Court Judge. Also, my brother, Christopher Sutherland, is employed by Senator John Griesheimer.

In order for me to comply with Chapter 105.461, RSMo, please publish this report in the Journal of the House.

/s/ Mike Sutherland  
Representative  
District 99

## WITHDRAWAL OF HOUSE BILL

January 13, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
201 W. Capitol Ave.  
Jefferson City, MO 65101

Dear Chief Clerk,

I respectfully request withdrawal of **House Bill No. 1278** regarding municipal court judges.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Jeff Roorda  
State Representative  
District 102

The following members' presence was noted: Brown (50), Calloway, Cooper, Hughes, Tracy and Wasson.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 14, 2010.

## COMMITTEE MEETINGS

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 20, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Departments of Agriculture, Conservation and Natural Resources.  
2010 budget reports.

### APPROPRIATIONS - EDUCATION

Tuesday, January 19, 2010, 2:00 p.m. Hearing Room 1.

Organizational meeting and public testimony.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Department overview continued.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, January 20, 2010, 1:00 p.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1543

### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.

First quarter meeting.

### JOINT COMMITTEE ON TAX POLICY

Tuesday, January 19, 2010, Senate Committee Room 1, 4:30 p.m. or upon adjournment.

Recommendations meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters, a vote may be taken to hold a closed meeting.

RETIREMENT

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.  
Informational meeting only with directors of the state retirement agencies.  
No legislation will be discussed.

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

Thursday, January 14, 2010, Hearing Room 7 upon morning adjournment.  
Possible Executive session.  
Public hearing to be held on: HCS HCR 18

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 6. CORRECTED  
Public hearing to be held on: HB 1311, HB 1341

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 7.  
Executive session will follow.  
Public hearing to be held on: HB 1544

**HOUSE CALENDAR**

SIXTH DAY, THURSDAY, JANUARY 14, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 72 through HJR 74

**HOUSE BILLS FOR SECOND READING**

HB 1603 through HB 1651