

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

SECOND DAY, THURSDAY, JANUARY 6, 2011

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Msgr. Robert A. Kurwicksi.

God is our refuge and strength, a very present help in trouble. Therefore will we not fear. (Psalm 46:1)

O God, our Almighty Father, You are the refuge and strength of Your people in every age and our refuge and our strength in this present hour in this Chamber. We pause in Your presence to offer unto You once again the devotion of our hearts.

Amid all the changes and distractions of this life, help us to rest our spirits upon those eternal foundations of truth and love which You have laid for us. Save us from unnecessary restlessness, from lasting confusion, and from perpetual movement. Draw us unto Yourself that for this moment we may be still and know that You are God.

With the assurance of Your Holy Spirit may we accept the responsibilities of this day and fulfill all our obligations with fidelity and honor. Into Your loving arms we completely commit ourselves and our State of Missouri - praying that together we may be one in You: through Jesus Christ our Lord. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Janice Pickering.

The Journal of the first day was approved as corrected by the following vote:

AYES: 155

Allen	Anders	Asbury	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brattin	Brown 50	Brown 85	Brown 116	Burlison
Carlson	Casey	Cauthorn	Cierpiot	Colona
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curls	Curtman	Davis	Day
Denison	Dieckhaus	Dugger	Ellinger	Elmer
Entlicher	Faith	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Holsman	Hoskins	Hough	Houghton
Hubbard	Hummel	Johnson	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelley 126	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair

Lampe	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	May	McCaherty	McCann Beatty	McDonald
McGeoghegan	McGhee	McManus	McNary	McNeil
Meadows	Molendorp	Montecillo	Nance	Nasheed
Neth	Newman	Nichols	Nolte	Pace
Parkinson	Peters-Baker	Phillips	Pierson	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Schieffer	Schneider
Schoeller	Schupp	Shively	Shumake	Sifton
Silvey	Smith 71	Smith 150	Solon	Spreng
Still	Stream	Swearingen	Swinger	Taylor
Thomson	Torpey	Wallingford	Walton Gray	Webb
Webber	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Zimmerman	Mr Speaker

NOES: 001

Talboy

PRESENT: 002

Atkins Oxford

ABSENT WITH LEAVE: 005

Carter Diehl Funderburk Hughes Kelly 24

HOUSE RESOLUTIONS

Representative Fuhr offered House Resolution No. 30 and House Resolution No. 31.
Representative Jones (89) offered House Resolution No. 38.

HOUSE RESOLUTION NO. 38

RULES OF THE HOUSE OF REPRESENTATIVES 96TH GENERAL ASSEMBLY

TIME OF MEETING

Rule 1. The time of meeting by the House, unless otherwise ordered, shall be 10:00 a.m.

CONSTITUTIONAL MAJORITY DEFINED

Rule 2. The term "constitutional majority", as used herein, shall mean eighty-two members of the House.

ORDER OF BUSINESS

Rule 3. The first of each day, after the House is called to order, shall be employed as follows unless otherwise ordered by the House:

- (a) Prayer.
- (b) Pledge of Allegiance to the American Flag.
- (c) Order of Business:
 - (i) Reading and approval of the Journal of the previous day's session.

- (ii) Introduction and first reading of House Joint Resolutions.
- (iii) Introduction and first reading of House Bills.
- (iv) Second reading of House Bills and Joint Resolutions.
- (v) Reports of regular standing committees.
- (vi) Reports of special standing committees.
- (vii) Bills, reports and other business on the table.
- (viii) House Joint Resolutions to be perfected and printed.
- (ix) House Bills to be perfected and printed.
- (x) Third reading of House Joint Resolutions.
- (xi) Third reading of House Bills.
- (xii) Messages from the Senate.
- (xiii) First reading of Senate Joint Resolutions and Senate Bills.
- (xiv) Second reading of Senate Joint Resolutions and Senate Bills.
- (xv) Third reading of Senate Joint Resolutions.
- (xvi) Third reading of Senate Bills.
- (xvii) Introduction of petitions, memorials, remonstrances and resolutions.
- (xviii) Adoption of petitions, memorials, remonstrances and resolutions.
- (xix) Such other orders of business as deemed necessary pursuant to law.

HEADINGS ON HOUSE CALENDAR

Rule 4. There shall be provided on the House calendar the following divisions:

- (a) House Bills for second reading.
- (b) House Joint Resolutions for second reading.
- (c) House Bills to be perfected and printed.
- (d) House Joint Resolutions to be perfected and printed.
- (e) House Appropriation Bills to be perfected and printed.
- (f) House Revision Bills to be perfected and printed.
- (g) House Bills - Federal Mandate to be perfected and printed.
- (h) House Bills to be perfected and printed - laid over informally.
- (i) House Joint Resolutions to be perfected and printed - laid over informally.
- (j) House Appropriation Bills to be perfected and printed - laid over informally.
- (k) House Revision Bills to be perfected and printed - laid over informally.
- (l) House Bills - Federal Mandate to be perfected and printed - laid over informally.
- (m) House Bills to be agreed to and placed upon third reading and final passage.
- (n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.
- (p) House Revision Bills to be agreed to and placed upon third reading and final passage.
- (q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.
- (r) House Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (s) House Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (t) House Appropriation Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (u) House Revision Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage - laid over informally.
- (w) House Bills reported out of committee by consent and placed upon the Consent Calendar for Perfection.
- (x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.
- (y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.
- (z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed - laid over informally.
- (aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.

- (cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (ee) Senate Bills for second reading.
- (ff) Senate Joint Resolutions for second reading.
- (gg) Senate Bills for third reading and final passage.
- (hh) Senate Joint Resolutions for third reading and final passage.
- (ii) Senate Revision Bills for third reading and final passage.
- (jj) Senate Bills - Federal Mandate for third reading and final passage.
- (kk) Senate Bills for third reading and final passage - laid over informally.
- (ll) Senate Joint Resolutions for third reading and final passage - laid over informally.
- (mm) Senate Revision Bills for third reading and final passage - laid over informally.
- (nn) Senate Bills - Federal Mandate for third reading and final passage - laid over informally.
- (oo) Senate Bills for third reading and final passage - Consent Calendar.
- (pp) Courtesy Resolutions Calendar.
- (qq) House Resolutions and Concurrent Resolutions Calendar.
- (rr) Senate Concurrent Resolutions Calendar.
- (ss) Bills in Conference.
- (tt) House Bills with Senate Amendments.
- (uu) House Bills taken from Committee, as provided by the Constitution.
- (vv) Such other calendars as deemed necessary.

FIRST AND SECOND READING OF BILLS

Rule 5. A bill shall be read the first time by journal entry of the title of the bill on the legislative day of its filing. It shall be second read on the following legislative day by journal entry of the title of the bill. The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the members present.

ORDERS OF THE DAY

Rule 6. Upon recess or adjournment, the Majority Floor Leader shall advise the entire membership of the business anticipated to be conducted during the remainder of the legislative day and during the next legislative day.

ELECTION OF OFFICERS GENERALLY Election; Oath; Compensation

Rule 7. The House shall elect by recorded vote the following officers at the commencement of the first regular session of each general assembly: its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain, who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean himself or herself in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by, and serve at the pleasure of, the Speaker and receive such compensation as provided by law.

SPEAKER

Speaker to Call Members to Order

Rule 8. The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.

**Parliamentary Rulings;
Referral to Parliamentary Committee**

Rule 9. Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Floor Leader and the Minority Floor Leader, or their designees. No member who is temporarily in the Chair may rule on points of order, except the Speaker or Speaker Pro Tem, until and unless the Parliamentary Committee has been called and ruled. It shall be the duty of the temporary Speaker to call said Parliamentary Committee at the time the point of order is raised and before any discussion on said point of order takes place. It shall be at the Speaker's discretion whether members may speak on points of order.

Speaker May Speak on Points of Order

Rule 10. The Speaker may speak on points of order in preference to any other member, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members on points of order but shall address his/her remarks only to the chair.

Appeal from a Ruling of the Chair

Rule 11. Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.

Speaker Has General Supervision of Hall

Rule 12. The Speaker shall have general direction and supervision of the House and shall preserve decorum and order in the Hall.

Supervision of House Employees

Rule 13. The Speaker shall have general supervision and control over all employees of the House.

Speaker May Substitute Member to Perform Duties

Rule 14. The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.

Speaker Shall Sign Bills

Rule 15. The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Chief Clerk.

Speaker May Clear Hall

Rule 16. In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared. They shall not, however, have the power to remove members from the floor of the House, except by a majority vote of those present.

Manner of Putting Questions

Rule 17. The Speaker shall rise to state and put questions. Questions shall be in the following form: "As many as are in favor (by electronic roll call) vote 'Aye'. As many as are opposed (if by electronic roll call) vote 'No'". (Or if by voice vote say "Aye" or "No.") If the Speaker doubts on a voice vote, voting shall be ordered by electronic device. The Speaker may require a recorded vote on any motion.

OTHER OFFICERS

Speaker Pro Tem

Rule 18. The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 14.

Chief Clerk

Rule 19. It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.

Sergeant-at-Arms; Doorkeeper and Chaplain

Rule 20. (a) SERGEANT-AT-ARMS. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.

(b) DOORKEEPER. It shall be the duty of the Doorkeeper, subject to the orders of the Speaker, to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the Hall or galleries except as are admitted by the rules or orders of the House. He/she shall execute the commands of the Speaker in relation to his/her duties and shall obey such other orders as may be made by the House.

(c) CHAPLAIN. It shall be the duty of the Chaplain, or a person designated by the Speaker, to attend at the commencement of each day's sitting of the House, to open the sessions thereof with a prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.

Employees

Rule 21. The House may employ, and the Speaker appoint, such employees as are necessary to perform the duties of the House. No person shall be initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.

COMMITTEES

By Whom Appointed; Composition of Membership

Rule 22. All regular standing, conference, interim and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and

designate the total number of members to serve on each committee, except the minority members of each regular standing committee shall be appointed by the Minority Floor Leader, subject to the final approval of the Speaker. The vice-chairman shall preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Majority Whip, the Minority Floor Leader, the Assistant Minority Floor Leader and the Minority Whip shall be ex-officio members of all committees of the House, and the chair of the budget committee and one member of said committee designated by the Minority Leader shall be ex-officio members of all appropriations committees of the House, for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of said committee. The membership of all regular standing committees and all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House, except for the Ethics Committee. The Ethics Committee shall consist of an equal number of members from the majority and minority party. The Speaker may appoint such special standing committees as he/she deems necessary. Any special standing committee shall have the authority and duties of a regular standing committee if so designated by the Speaker. The Minority Floor Leader may make recommendations to the Speaker regarding minority membership of special standing committees. The Speaker may dissolve and/or discharge the members of any conference, interim, or special standing committee at any time and reappoint the members thereof.

Time of Sitting

Rule 23. No committee shall meet except during those times so designated by the Speaker. No committee shall sit during the session of the House without leave of the House.

The Regular Standing Committees Enumerated

Rule 24. The regular standing committees of the House shall be as follows:

1. Administration and Accounts.
2. Agriculture Policy.
3. Agri-Business
4. Appropriations - Agriculture and Natural Resources.
5. Appropriations - Education.
6. Appropriations - General Administration.
7. Appropriations - Health, Mental Health and Social Services.
8. Appropriations - Public Safety and Corrections.
9. Appropriations - Transportation and Economic Development.
10. Budget.
11. Conservation and Natural Resources.
12. Corrections and Public Institutions.
13. Crime Prevention.
14. Elections.
15. Elementary and Secondary Education.
16. Energy and Environment.
17. Ethics.
18. Financial Institutions.
19. Fiscal Review.
20. Health Care Policy.
21. Healthcare Transformation.
22. Higher Education.
23. Homeland Security.
24. International Trade and Immigration.
25. Insurance Policy.
26. Job Creation and Economic Development.
27. Judiciary.
28. Local Government.
29. Public Safety.

30. Real ID and Personal Privacy.
31. Retirement.
32. Rules.
33. Rural Community Development.
34. Senior Citizen Advocacy.
35. Small Business.
36. State Parks and Waterways.
37. Tax Reform.
38. Tourism.
39. Transportation.
40. Utilities.
41. Veterans.
42. Ways and Means.

Duties of the Regular Standing Committees

Rule 25. (1) *Administration and Accounts.*

(a) *Duties generally.* The Committee on Administration and Accounts shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee Chair, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.

(b) *Funds for operation of member's individual offices.* The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

(c) *Allotment of offices, chamber seats and parking spaces.* Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members. The committee may make assignments to the party caucuses for those caucuses to assign to their respective members. The House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chair, and the chairman and ranking minority member of the Administration and Accounts Committee, without respect to the seniority of those members, shall have priority with respect to such assignments within their respective caucuses.

(d) *Duties of the Chief Clerk in Respect to Committee.* The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a quarterly basis.

(2) *The Committee on Agriculture Policy.* The Committee on Agriculture Policy may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.

(3) *Committee on Agri-Business.* The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.

(4) *The Committee on Appropriations - Agriculture and Natural Resources.* The Committee on Appropriations - Agriculture and Natural Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources and the Department of Conservation.

(5) *The Committee on Appropriations - Education.* The Committee on Appropriations - Education shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education and the Department of Higher Education.

(6) *The Committee on Appropriations - General Administration.* The Committee on Appropriations - General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt,

Elected Officials, Office of Administration, the General Assembly, the Department of Revenue, the Judiciary and the Public Defender.

(7) *The Committee on Appropriations - Health, Mental Health and Social Services.* The Committee on Appropriations - Health, Mental Health and Social Services shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and Senior Services, the Department of Mental Health and the Department of Social Services.

(8) *The Committee on Appropriations - Public Safety and Corrections.* The Committee on Appropriations - Public Safety and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Public Safety and Corrections.

(9) *The Committee on Appropriations - Transportation and Economic Development.* The Committee on Appropriations - Transportation and Economic Development shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Transportation, the Department of Economic Development, the Department of Insurance and the Department of Labor and Industrial Relations.

(10) *The Committee on Budget.*

(a) The Committee on Budget shall have the responsibility of filing all appropriations bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.

(b) *Other duties.* The Committee may consider and report upon any bill or resolution referred to it which, in the opinion of the Speaker, merits special consideration. The Committee may also consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and buildings of the state, including the Division of Facilities Management, Design and Construction, the capitol grounds and the state and legislative library. The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the Committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The Committee shall also consider and report upon bills and matters referred to it relating to the efficiency of government in the state.

(11) *The Committee on Conservation and Natural Resources.* The Committee on Conservation and Natural Resources may consider and report upon bills and matters referred to it relating to the Department of Conservation, state parks, fish and game, forestry, natural resources, environment and mining.

(12) *The Committee on Corrections and Public Institutions.* The Committee on Corrections and Public Institutions may consider and report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, the state penitentiary, state hospitals, charitable institutions, and other state properties.

(13) *The Committee on Crime Prevention.* The Committee on Crime Prevention may consider and report upon bills and matters referred to it relating to criminal laws and law enforcement matters.

(14) *The Committee on Elections.* The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.

(15) *The Committee on Elementary and Secondary Education.* The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education and life-long learning in this state, including teachers, financing, property, indebtedness and curriculum.

(16) *The Committee on Energy and Environment.* The Committee on Energy and Environment may consider and report upon bills and matters referred to it relating to the development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste; recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues.

(17) *Ethics.* The Committee on Ethics may consider and report upon complaints referred to it relating to a member of the House involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or

other complaints relating to the ethical conduct of a member. The committee is authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

(18) *The Committee on Financial Institutions.* The Committee on Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans, credit unions, and other financial institutions.

(19) *The Committee on Fiscal Review.* The Committee on Fiscal Review shall consider any bill which requires net additional expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the three fiscal years immediately following the effective date of the bill. Any such House bill, after having been perfected and ordered printed by the House, shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the three fiscal years immediately following the effective date of the bill shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House. Any such Senate bill, after having been approved by the regular or special standing committee to which it was referred, shall be referred to the Committee on Fiscal Review for its consideration prior to its submission to the House for third reading and final passage. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion adopted by the members, be referred to the Committee on Fiscal Review. Such motion shall only be timely for a House bill when the sponsor or handler of the House bill moves that the bill be Third Read and passed and before the Speaker restates that motion. The primary sponsor or, in the case of a Senate bill, the floor handler of a bill referred to the Committee on Fiscal Review shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other, without leave of the committee Chair. For the purposes of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated. The Committee on Fiscal Review may, with the consent of the House sponsor or floor handler, amend an effective date onto any bill referred to the Committee.

(20) *The Committee on Health Care Policy.* The Committee on Health Care Policy may consider and report upon bills and matters referred to it relating to the health care of the citizens of the State, including mental health, and the Departments of Health and Mental Health. The Committee may also consider and report on bills and matters referred to it relating to Medicaid and related matters.

(21) *The Committee on Healthcare Transformation.* The Committee on Healthcare Transformation may consider and report upon bills and matters referred to it relating to the operation and regulation of hospitals, health clinics, health centers, and other facilities related to the field of health.

(22) *The Committee on Higher Education.* The Committee on Higher Education may consider and report on bills and matters referred to it related to higher education, including matters relating to financing, facilities, staff, curriculum and related matters.

(23) *The Committee on Homeland Security.* The Committee on Homeland Security may consider and report upon bills and matters referred to it relating to the disaster and emergency preparation and implementation of safety and security measures for state and local governments and measures relating to cooperation between other states and the federal government.

(24) *The Committee on International Trade and Immigration.* The Committee on International Trade and Immigration may consider and report upon bills and matters referred to it relating to immigration policy of the state and the impact of non-citizen and migrant workers on the state economy and services provided by the state and local governments.

(25) *The Committee on Insurance Policy.* The Committee on Insurance Policy may consider and report upon bills and matters referred to it relating to insurance, insurance companies and the Department of Insurance.

(26) *The Committee on Job Creation and Economic Development.* The Committee on Job Creation and Economic Development may consider and report upon bills and matters referred to it relating to commerce, industrial growth, expansion, and development and the creation and retention of jobs.

(27) *The Committee on Judiciary.* The Committee on Judiciary may consider and report upon bills and matters referred to it relating to the judicial branch of the State and the practices and procedures of the courts of this State, and on matters pertaining to civil and administrative laws and procedures, and on matters relating to the ethics of public officials.

(28) *The Committee on Local Government.* The Committee on Local Government may consider and report upon bills and matters referred to it relating to counties, cities, towns, villages, other political subdivisions of the State and local government generally.

(29) *The Committee on Public Safety.* The Committee on Public Safety may consider and report upon bills and matters referred to it relating to public safety and law enforcement.

(30) *The Committee on Real ID and Personal Privacy.* The Committee on Real ID and Personal Privacy may consider and report upon bills and matters referred to it relating to the protection of personal privacy and security concerns.

(31) *The Committee on Retirement.* The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees.

(32) *The Committee on Rules (a) Duties generally.* The Committee on Rules shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, and upon any bill which merits special consideration.

(b) *Duties related to printing and proofing bills.* The Committee shall supervise the printing of all bills ordered perfected and printed, assuring that procedures are followed in which all amendments to every such bill are incorporated therein before the bill is printed and that the printed copies of the bill on the desks of the members are true and accurate copies of the bill as ordered perfected and printed. The Committee shall also supervise the printing of all bills which are truly agreed and finally passed, assuring that procedures are followed in which every bill is a true copy of the bill as passed with clerical errors corrected.

(c) *Duties relating to the issuance of courtesy resolutions.* A courtesy resolution is a non-controversial resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, congratulations of an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider as a courtesy resolution. While the House is in session, the resolutions that have been issued under the supervision of the Committee shall be printed in the House Journal by number. Any resolution that is not a courtesy resolution shall require action by the House as provided for by the House Rules.

(d) *Petition to remove from perfection calendar.* Upon petition of two-thirds (2/3) of the regular or special standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar to be perfected and printed, the Committee on Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed, be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.

(e) *Petition to remove from third reading calendar.* Upon petition of two-thirds (2/3) of the regular or special standing committee chairmen, the Committee on Rules shall have the authority to consider and remove any Senate Bill or Joint Resolution from the regular third reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules may be recommitted to the same committee by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.

(f) *Review of Bills Reported from Regular Standing or Special Standing Committees.*

1. Whenever a committee reports a bill with a recommendation that it "Do Pass" or "Without Recommendation", the bill shall stand automatically referred to the Committee on Rules. The Committee on Rules is hereby authorized to:

- a. Report the bill "Do Pass" to the House without a limitation on time of debate on the bill or amendments.
- b. Report the bill "Do Pass" to the House with a limitation on the time of debate.
- c. Send the bill back to the originating committee.

When the Committee on Rules sends the bill back to the originating committee, that committee may amend the bill and report the bill again without the need to reconsider the initial vote by which the committee voted the bill "Do Pass".

2. When a bill is automatically referred to the Committee on Rules with a recommendation that it "Do Pass - Consent", the Rules Committee shall review the bill for the purpose of determining whether or not it should have "consent" status. The Committee on Rules may decide, by a majority of those present, whether or not to place the bill on the appropriate "Consent" calendar. When the Committee on Rules declines to place the bill on the appropriate "Consent" calendar, it may consider whether or not to report the bill to the House with a "Do Pass" recommendation, without "consent" status. The authority of the Committee on Rules with respect to limiting debate shall apply to bills reported by it as "Do Pass - Consent".

3. When a bill is automatically referred to the Committee on Rules with a recommendation that it "Do Pass - Federal Mandate", the Committee on Rules shall review the bill for the purpose of determining whether or not it should have "federal mandate" status. The Committee on Rules may decide, by a majority of those present, whether or not to

place the bill on the appropriate "Federal Mandate" calendar. When the Committee on Rules declines to place the bill on the appropriate "Federal Mandate" calendar, it may consider whether or not to report the bill to the House with a "Do Pass" recommendation, without "federal mandate" status. The authority of the Committee on Rules with respect to limiting debate shall apply to bills reported by it as "Do Pass - Federal Mandate".

4. When the Rules Committee shall place a limitation on the time of floor debate on a bill, or on amendments, such time shall be divided equally between, and controlled by, the floor handler of the bill and the floor leader of the political party other than that of the floor handler, or their respective designee(s). The floor handler shall always have the right to have the final one minute of designated time. If time has been allocated and unused by either side and no member from that side is seeking recognition, the Speaker may declare additional time waived and recognize the members of the other side to complete use of their time. Nothing in this rule shall entitle any member to speak longer than the House Rules otherwise allow.

5. In reviewing bills automatically referred to it from another committee, the Committee on Rules may, but is not required to, take such testimony as it deems appropriate to make its decisions. The committee shall not amend any bill that was not initially referred to the Committee on Rules.

(g) When a committee has reported a bill "Do Pass" with committee amendment(s), the Committee on Rules shall take such action as it deems proper on the entire package of the bill with committee amendment(s) as though the committee amendment(s) were already incorporated into the bill.

(h) If the Committee on Rules is the original committee to which a bill is referred, when the Committee reports such bill "Do Pass" or "Without Recommendation", such bill shall not be subject to the automatic referral referenced in Rule 25(32)(f) 1. above. However, in reporting such bill, the Committee on Rules may take any action on such bill as though the bill were referred to it after a "Do Pass" or "Without Recommendation" report from another committee.

(33) *The Committee on Rural Community Development.* The Committee on Rural Community Development may consider and report upon bills and matters referred to it relating to policies to improve communities and the quality of life of citizens located outside of metropolitan areas and larger cities of the state.

(34) *The Committee on Senior Citizen Advocacy.* The Committee on Senior Citizen Advocacy may consider and report upon bills and matters referred to it relating to the security a health of the senior citizens of the State, including matters relating to their care and housing, and the providers of those services.

(35) *The Committee on Small Business.* The Committee on Small Business may consider and report upon bills and matters referred to it relating to the establishment, growth, development, expansion, retention, and operations of small businesses in the State.

(36) *The Committee on State Parks and Waterways.* The Committee on State Parks and Waterways may consider and report upon bills and matters referred to it relating to state park facilities and grounds and rivers, lakes, and other waterways located in the state.

(37) *The Committee on Tax Reform.* The Committee on Tax Reform may consider and report upon bills and matters referred to it relating to reforming and equalizing the state tax code and it's burden on taxpayers of this state.

(38) *The Committee on Tourism.* The Committee on Tourism may consider and report upon bills and matters referred to it relating to the development and promotion of travel, tourism, recreation, the arts, and cultural affairs.

(39) *The Committee on Transportation.* The Committee on Transportation may consider and report upon bills and matters referred to it relating to the Department of Transportation, all means of transportation, including roads, highways, bridges, ferries, airports, railroads and other means of transportation. The Committee may also consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.

(40) *The Committee on Utilities.* The Committee on Utilities may consider and report upon bills and matters referred to it relating to the development, uses and regulation of utilities, communications and technology and the development, use and conservation of energy and other energy-related concerns, environmental impact and pollution and public health and safety as it relates to the issue of energy.

(41) *The Committee on Veterans.* The Committee on Veterans may consider and report upon bills and matters referred to it relating to terrorism and security against terrorism; veterans affairs and the promotion and strengthening of states rights and military and naval affairs of the State.

(42) *The Committee on Ways and Means.* The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the taxes of the State, tax credits, revenue and public debt of the State, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenue and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to eliminating any existing sources of revenue, if any, that in the judgment of the Committee should be considered by the House.

**Duties of Committee Chair;
Committee Organization**

Rule 26. (a) *Duty to preside.* It is the duty of the chair to preside at all sessions of the committee. In the absence of the chair, the vice-chair of the committee shall preside, and in his/her absence, a member appointed by the chair.

(b) *Duty to maintain minute book.* The chair shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of the persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing, or if the appearance was informational in nature and neither for or against the proposition. The Chief Clerk shall be the repository of the minute book after each session of the general assembly and shall submit the same to the Secretary of State prior to the next regular session.

(c) *Duty to preserve order.* The chair, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accordance with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chair may punish breaches of order and decorum by censure and exclusion from the hearings.

(d) *Bills, reports and other documents.* The chair shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.

(e) *When a bill fails.* Whenever a motion that a bill "Do Pass" shall fail, or if there be an even division on the question, the chair shall report said bill back to the House "Do Not Pass" unless said bill is otherwise disposed of by another motion.

(f) When a motion has been decided by a committee, any member voting on the prevailing side may move to reconsider the vote provided that: (i) the chair still has possession of the bill; and (ii) the motion to reconsider is made on the same day on which the motion was decided or at the next day on which the committee convenes with a quorum present at a properly scheduled meeting at which the original motion would be in order. A majority of the members appointed to the committee is required to sustain any motion to reconsider.

Committee Hearings

Rule 27. All bills afforded a committee hearing shall be considered by giving the sponsor or handler, the proponents, the opponents, and those testifying for informational purposes a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so. In the discretion of the committee chair, the length of time allowed one speaker or questioner may be limited.

Quorum

Rule 28. A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.

Meetings - How Announced

Rule 29. Announcement of all meetings of committees shall include a statement of all matters to be considered at the meeting, shall include the bill or resolution numbers to be considered and shall be entered in the journal prior to the day on which the meeting is to take place. Such journal entry shall reflect the date, time and location of the meeting.

The chair of each committee shall give written notice of the time, date, place and agenda of the meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least one legislative day in advance of the committee meeting. Notice may be reduced to 24 hours by unanimous consent of all members of the committee, whether in attendance or not. Notice shall never be less than 24 hours. All notices shall include posting of the notice on the bulletin board outside the Speaker's office.

Committees shall comply with the requirements of the statutes pertaining to open meetings.

Committee Substitutes

Rule 30. No bill or substitute may be taken up for consideration by a committee unless said bill or substitute shall have been distributed to the members of the committee at least one legislative day in advance of said consideration. This rule may be waived by unanimous consent of all members of the committee, whether in attendance or not. Failure to take the bill up for consideration at the designated time requires that the one legislative day notice be given again before it is taken up for consideration.

Other Duties

Rule 31. Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House. If it shall become necessary to compel the presence of any person before a committee or to receive sworn testimony before a committee, a subpoena may be issued under the hand of the Speaker as provided by law and an oath or affirmation may be administered by the chair of the committee as provided by law.

Attendance

Rule 32. The secretary of each committee shall keep a record of the attendance of each committee meeting in the minute book of the committee, which shall be available to any person upon request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be recorded by the chair or secretary of a committee at each meeting.

Minority Views

Rule 33. The minority of a committee may not make a report or present to the House an alternative report, but has the right to file views to accompany the report.

Committee Relieved of Bill - When

Rule 34. No bill shall be taken away from any regular standing committee or special standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. Pursuant to the Constitution, one-third of the members of the House shall have the power to relieve a committee of any bill. Such power may be exercised by filing a petition to that effect with the Chief Clerk of the House. Upon receipt of said petition containing the signatures of at least 55 members, the Chief Clerk shall publish said petition in the Journal and place the discharged bill upon the regular calendar of House Bills taken from Committee, as provided by the Constitution.

Election Contest

Rule 35. Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the regular standing Committee on Elections or a special standing committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.

Ethics Committee Complaints of Ethical Misconduct

Rule 36. (a) The Speaker shall appoint a Committee on Ethics and name the committee's chair. The Minority Floor Leader shall name the committee's vice-chair and minority members. The committee shall have an equal number of members of the majority and minority party.

(b) The committee may consider and report upon complaints referred to it relating to a member of the House involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The committee is authorized to sit and act at any time or place within the

State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

(c) Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.

(d) Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer the same, within 10 days, without discussion, to the Committee on Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call. When a motion to proceed to conduct an investigation fails on a recorded vote, the complaint shall be immediately dismissed.

(e) At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendations to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendations. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.

(f) All rules that pertain to regular or special standing committees shall apply to the Committee on Ethics to the extent consistent with this rule and any rules of procedure adopted pursuant to this rule.

BILLS

Introduced - Manner of Setting Forth New and Old Material

Rule 37. (a) *When*. Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business. No member shall file a bill, other than an appropriation bill, after April 1, without leave of the House.

(b) *Manner of Printing*. Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:

"EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language."

Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any House bill or substitute thereof which does not comply with this rule shall not be placed upon the calendar.

(c) *Numbering of Bills*. The Chief Clerk shall number bills in the order of their filing, reserving numbers for appropriations bills.

Number of Copies Printed

Rule 38. The Chief Clerk shall print such number of copies of all House Bills and House Joint Resolutions as he/she shall deem appropriate.

Timing for Placement on Calendar

Federal Mandate Calendar

Rule 39. (a) When a federal mandate bill is reported from the appropriate committee(s) with recommendation that it "Do Pass" or "Without Recommendation", it shall go upon the calendar of the House.

(b) No bill shall be placed on the Federal Mandate Calendars unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be considered for placement on the Federal Mandate Calendar shall request in writing to the chair of the committee where such bill has been referred. The written request shall state the deadline by which the State must comply with the federal mandate and what will happen if the State fails

to take action by such date. A copy for each committee member of the federal statute(s) or regulation(s) mandating such action shall accompany the request. After the committee has voted "Do Pass" on a bill with such a request, it shall take a second recorded vote on whether or not to recommend that it be placed on the Federal Mandate Calendar. If said bill is reported "Do Pass" by the committee with a recommendation that same be placed on the Federal Mandate Calendar, and the Committee on Rules concurs therein, the Committee on Rules Chair shall submit to the Speaker a copy of the original written request, along with a copy of the federal statute(s) or regulation(s) mandating State action. If the Speaker concurs with the committees that the bill complies with the requirements of this rule, he/she shall advise the Chief Clerk to place same on the Federal Mandate Calendar. If the Speaker does not concur, he/she may place the bill on the Perfection Calendar. Each bill placed upon the Federal Mandate Calendars shall have attached thereto a copy of the federal statute(s) or regulation(s) that mandates the bill, along with a copy of the request to place the bill on the Federal Mandate Calendar and shall be distributed to all members at least twenty-four hours prior to consideration by the entire House.

Motion To Place On Calendar

Rule 40. If any bill is reported from committee with the recommendation that it "Do Not Pass" it shall not go on the calendar of the House unless ordered by a constitutional majority. At the same time the bill is reported to the House, the committee chair shall notify the sponsor or handler of the bill that such report is being made. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the sponsor of the bill is present or the motion is made by a member upon the sponsor's written request. If no such action is taken within said time, the bill shall lie on the table. If such a motion is sustained, the bill shall stand automatically referred to the Committee on Rules for further action thereon.

Timing of Placement on Calendar

Rule 41. No bill shall be taken up for consideration by the House unless it has been upon the calendar for at least one legislative day.

Bills Laid Over Informally

Rule 42. When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the Majority Floor Leader, or the sponsor or handler thereof, if a House Bill, (or upon the request of its handler in the House, if a Senate Bill) hold its place on the calendar, or be laid over informally, and thereafter be called up at any time when otherwise in order.

To Appear In Order

Rule 43. All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.

Ten Day Rule

Rule 44. If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action of the House.

Consent Calendar

Rule 45. (a) *Which Bills May Be Placed on the Consent Calendar.* Each committee, after a favorable vote on a bill, may further determine by a second and affirmative vote of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases net expenditures of the state, reduces net revenue of the state, or contains penalty provisions, shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.

(b) *Procedure on House Bills.* If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be referred to the Committee on Rules. Any bill reported by the Committee on Rules with the recommendation that it be placed on

the House Consent Calendar for Perfection shall be placed on that calendar and after said bill has remained on the "House Consent Calendar for Perfection" for five legislative days, it shall be ordered perfected and advanced to the "House Consent Calendar for Third Reading and Final Passage" without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be placed on the House Bills to be Perfected and Printed Calendar. An objection made by five members under this rule cannot be rescinded. Where there is a House Committee Substitute for a consent bill or House Committee Amendments to a consent bill, the committee substitute, or the bill as amended, shall be deemed adopted and perfected by consent.

(c) *Senate Bills - Consent.* When the Senate passes a bill by its procedure for consent bills, such bill shall be considered for treatment as a consent bill by the House committee without further request; provided however, that the same committee procedures, votes and requirements for House Bills being considered for consent shall be applied to Senate Bills being considered for consent. A Senate Bill may be considered by the committee for Consent even if it was not a Consent Bill in the Senate.

(d) *Procedure on Senate Bills.* Senate Bills passed out of the House committee and Committee on Rules with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage - Consent Calendar are subject to the five member objection provision of this rule.

(e) *Deadline for Placing Senate Consent Bills on the Calendar.* No Senate consent bills shall be placed on the consent calendar after April 15.

(f) *Amendments.* House bills may be considered for consent after they are amended in committee but may not be amended on the floor of the House.

Senate consent bills may be amended in committee but not on the floor of the House unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the floor of the House. House committee amendments and House committee substitutes to Senate consent bills shall be deemed adopted on the fifth legislative day.

AMENDMENTS AND SUBSTITUTES

Rule 46. (a) *In Writing and Distributed in Advance.* Proposed amendments must be reduced to writing. Every amendment shall be distributed in advance of the time the bill is initially taken up for consideration. An amendment shall be considered to have been distributed if it has been placed on the members' desks in paper form, except for the desk of any member who has waived receipt of amendments. The sponsor of an amendment that has been distributed may make technical corrections at the time the amendment is offered or under consideration. Any technical corrections shall be read in full by the clerk. Technical corrections shall be subject to a point of order that they are not truly technical in nature. Every proposed amendment to the amendment and substitute amendment shall be read in its entirety by the clerk unless it has been distributed in advance. Amendments to the amendment and substitute amendments may be offered even though not distributed in advance of the time a bill is initially taken up for consideration. Any amendment to the amendment or substitute amendment that exceeds two 8 ½" x 11" pages in length shall be distributed prior to the time it is offered.

(b) *What Amendments and Substitute Amendments are in Order.* When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it also shall be in order to offer a further amendment by way of substitute for the original motion to amend, to which one amendment may be offered. It shall not be in order to offer a substitute amendment to an amendment to an amendment. When an amendment is offered, a substitute for that amendment is offered and an amendment to the substitute is offered, it shall not be in order to offer a substitute for the amendment to the substitute. Any proposed amendment in the third degree shall be out of order. Any bill may be withdrawn by the sponsor before amendment or decision thereon. Any amendment may be withdrawn by the sponsor before decision thereon. Once a bill has been amended, it shall be in the possession of the House.

(c) *Committee Substitutes Treated as Original.* A House committee substitute shall be considered as an original bill for purposes of amendment.

(d) *House Substitute.* No House Substitute will be in order. A House Substitute is an amendment which, in the opinion of the Speaker, is effectually replacing the underlying bill or committee substitute.

(e) *When Federal Mandate Bills can be Amended.* Amendments to House and Senate bills-Federal Mandate are permitted only within the scope of the federal mandate. Perfecting amendments are permitted to make technical amendments.

(f) *Appropriations Bills.* 1. No amendment to the appropriations bills of the state budget shall be in order if it increases the total amount of general revenue or general revenue equivalent appropriated in the House appropriations

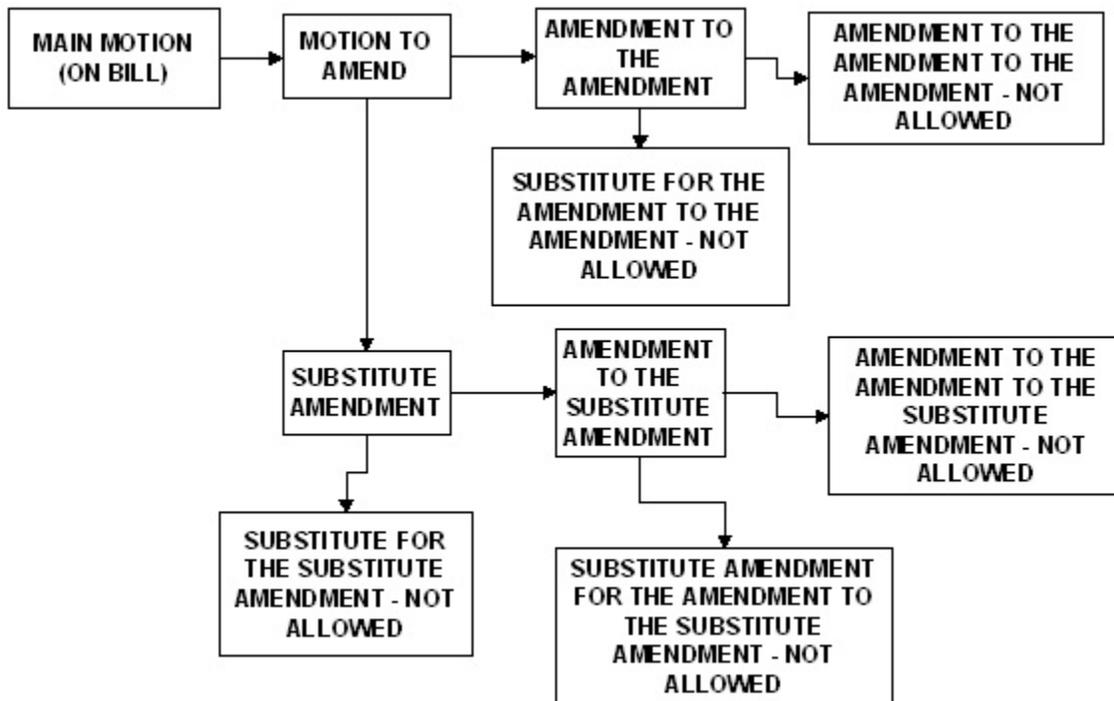
bills as reported from the Committee on Budget. Any amendment that increases the amount of general revenue or general revenue equivalent appropriated in the House appropriations bills shall be required to contain an equal reduction in general revenue or general revenue equivalent appropriated in the same bill or shall be required to be submitted with a separate amendment that makes an equal reduction in general revenue or general revenue equivalent in any other of the bills still pending. If the reduction is in another bill, the decreasing amendment shall be taken up first, and the increasing amendment may be taken up only if the decreasing amendment is adopted.

2. If a member's decreasing amendment is adopted and the same member's increasing amendment is defeated, the decreasing amendment's adoption is void.

3. The offering and adoption of an amendment decreasing the amount of general revenue or general revenue equivalent appropriated without a balancing increase in the same amendment or a paired amendment creates no right of another member to offer an increasing amendment in any amount up to the amount of the decrease effected by the decreasing amendment, and no member may be recognized for the purpose of making such an amendment.

4. For the perfection of the House appropriations bills of the state budget only, it shall be permissible to amend any line item as often as the House pleases, as long as prior adopted amendments to the line item are taken into account.

5. No House Bill or House Committee Substitute of the state budget shall be adopted until all properly offered amendments to the first 12 House appropriations bills or substitutes have been disposed of.



Committee Substitute Printed

Rule 47. When a committee recommends a substitute for a bill, the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the committee chair or any member designated by the committee chair. The Chief Clerk shall have an appropriate number of copies of the substitute printed. No committee substitute shall be called from the calendar of the House until the printed copies have been distributed for at least one legislative day. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated, the original bill shall be before the House for perfection and shall be considered and shall be handled on the floor by the original sponsor of the bill.

Order of Amendments

Rule 48. When amendments to any bill, motion or proposition are pending, they shall be voted on in the following order:

(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.

(2) Amendments to the substitute are next voted on, and may be offered, one at a time, and as rapidly as one is disposed of by rejection or incorporation as a part of the substitute amendment, another is in order as long as any member desires to offer one, until the substitute amendment is adopted.

(3) The substitute amendment, as amended, is next voted on. If the substitute amendment is adopted, the underlying amendment to which it was offered shall not be voted upon, but the substitute amendment shall become part of the bill.

(4) The amendment is voted on last. If any substitute has not been agreed to, the vote comes on the amendment as amended.

(5) The House Committee Substitute is next voted upon, after opportunity for amendment. If the House Committee Substitute is adopted, there shall be an additional vote for the perfection of the bill, as amended.

(6) If there is no House Committee Substitute, or if the House Committee Substitute is not adopted, the original House Bill is next voted upon, after opportunity for amendment.

Amendments Incorporated In Bill

Rule 49. All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Chief Clerk who shall assure that the bill is truly perfected and the printed copies furnished to the members are correct.

BILLS AND JOINT RESOLUTIONS

Ayes and Noes Taken

Rule 50. When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively by a constitutional majority, unless objection be made, in which case the vote shall be taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.

Repassage

Rule 51. When all Senate amendments to House Bills have been concurred in by a constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on first passage, a constitutional majority shall be necessary to the final passage of the bill.

Majority to Perfect

Rule 52. A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.

**Amending After Perfection;
Perfecting Amendments**

Rule 53. No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has been read the third time.

Motion for Passage

Rule 54. When the Chief Clerk presents a bill as truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be third read and passed?" It shall require a constitutional majority to sustain the question.

Course After Passage

Rule 55. When a bill or joint or concurrent resolution passes the House, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof.

Perfecting Amendments on Bills Returned From the Senate

Rule 56. No bill or joint or concurrent resolution that has been returned from the Senate may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the perfecting amendment.

Conference Reports

Rule 57. (a) Signatures on a Conference Report. All conference committees shall be composed of five conferees from each house and no conference report shall be submitted to either house unless approved by a majority vote of the full committee with not less than two conferees from each house signing the report.

(b) Review for Correctness. Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.

(c) Notice Requirements. No conference committee report shall be taken up and considered unless the same has been distributed to the members, except members who have waived receipt of conference committee reports, at least one legislative day prior to consideration.

(d) Exceeding the Differences. Unless authority is granted by the House to exceed the differences, the conferees must confine themselves to matters that are within the scope of the differences between the House position and the Senate position. When a report is offered for adoption, the point of order that the conferees have exceeded the differences shall be in order. The Speaker may rule on the point of order or may place the question of whether the conferees have exceeded the differences before the House for a vote. A majority of members voting prevails on the question.

RESOLUTIONS

Joint and Concurrent Resolutions

Rule 58. All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution of the State of Missouri, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.

Joint and Concurrent Resolutions of Congress

Rule 59. All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be submitted as a Concurrent Resolution and read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.

The text of the amendment as proposed by the Congress of the United States shall not be amended.

**Reference of Resolutions, etc.
Stand Referred**

Rule 60. All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without reading, consideration, discussion, explanation or debate, to the Committee on Rules unless timely referred to some other appropriate committee by the Speaker; provided however, that resolutions informing the Governor and/or the Senate that the House has convened, taken some action, or adjourned, resolutions to elect officers of the House, resolutions expressing the appreciation of the House to public officials, resolutions to adopt temporary rules, and concurrent resolutions to convene joint sessions may be adopted by the House upon introduction without referral to committee. Those papers that are favorably recommended by the committee for adoption by the House shall be listed in the Journal and placed upon a resolutions calendar. Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full.

SENATE BILLS

Referral

Rule 61. Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.

Go Upon The Calendar

Rule 62. When a Senate Bill is reported from the committee to which it was referred with the recommendation that it "Do Pass", or "Without Recommendation", it shall stand automatically referred to the Committee on Rules. When a Senate Bill is reported from the Committee on Rules with the recommendation that it "Do Pass", or "Without Recommendation", it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House unless it has been upon the Calendar for at least one legislative day.

Senate Bills Reported "Do Not Pass"

Rule 63. If a Senate Bill is reported from the committee to which referred with the recommendation that it "Do Not Pass" it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill. If such a motion is sustained, the bill shall stand automatically referred to the Committee on Rules for further action thereon.

Amendments

Rule 64. Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.

BILLS NOT TO BE PASSED ON PREVIOUS ROLL CALL

Rule 65. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.

MOTIONS

Must Be Read or Stated Before Debate

Rule 66. When a motion is made, it shall be stated by the Chair before being debated.

When In Possession of the House

Rule 67. When a motion is stated by the Speaker it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time before a decision or amendment.

To Be Reduced to Writing

Rule 68. Every motion shall be reduced to writing if the Speaker or any member demands it.

Must Be Germane

Rule 69. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Privileged

Rule 70. When a question is under debate, no motion shall be entertained but to adjourn; to take a recess; to lay on the table; for the previous question; to postpone to a certain day; to recommit to committee; or to postpone indefinitely; which several motions shall have precedence in the order herein set forth.

Dilatory

Rule 71. When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.

Privileged Motions In Order - When

Rule 72. Except as otherwise limited herein, and except when a member is speaking or the roll is being called, the privileged motions set forth in Rule 70 are always in order, and pending the result of such a motion, no member shall leave his/her seat in the House.

Previous Question

Rule 73. Any member may move the previous question. The motion shall be restated by the Speaker in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.

Not Debatable

Rule 74. Motions to adjourn and for the previous question shall be decided without debate; provided however, that a motion to adjourn is subject to a request by five members for a roll call vote. All other privileged motions are debatable.

Division of Questions

Rule 75. Any member may have, as a personal right, a division of the question where the sense will admit of it. When the question having been divided is a Senate Bill for Third Reading, each part of the bill shall be voted upon separately and a subsequent separate vote shall be taken on the entire bill. When a bill is divided for consideration, the title and enacting clause shall be considered a separate part and shall, unless otherwise amended, be technically changed to reflect any amendments or deletions to the bill. No House Bill for Third Reading shall be subject to a request for a division of the question.

Indefinite Postponement

Rule 76. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

Question Laid on the Table - How Taken Up

Rule 77. When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds (2/3) of the members present.

Motion to Recommit to Committee

Rule 78. Any member may make a motion, at any time prior to the time said bill is third read and passed, that a bill be recommitted to the committee from which it was reported or that a bill be committed to another specifically named committee, which shall be sustained if a majority of the members present vote in the affirmative.

**Motion to Reconsider -
Must Be Made Within Three Days**

Rule 79. When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.

Procedure for Motion to Reconsider

Rule 80. A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other questions; whereupon the original question shall be voted upon before any other business of the House is transacted. This shall not preclude further debate or amendment of the proposition, if otherwise appropriate. Any motion to reconsider having failed once shall not be reconsidered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.

DECORUM AND DEBATE

On Speaking

Rule 81. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker". The member shall refer, as appropriate, to other members as "Lady", "Gentleman" or "Representative". The member shall confine himself/herself to the questions under debate and avoid personality and derogatory personal comments. If any member violates the rules of the House, the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case.

Appeals

Rule 82. If there is no appeal, the decision of the Speaker is final. If the decision of the Speaker is in favor of the member called to order, he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.

Member to Rise or Seek Recognition

Rule 83. The Speaker shall not recognize any member desiring to speak unless such member arises or appropriately seeks recognition at or near his/her desk. When two or more members seek recognition at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.

Member May Speak - How Often

Rule 84. No member shall speak more than twice on the same question without leave of the House, nor more than once until all other members desiring to speak have spoken. Except when reporting a bill or resolution from a committee, no member may speak or inquire for more than fifteen minutes unless by unanimous consent of the House. When the

question is to Third Read and Pass a House Consent Bill or a Senate Consent Bill, the floor handler of the bill and the ranking committee member from the party not the same as the bill handler, shall not speak or inquire for more than ten minutes. Other members shall not speak or inquire for more than five minutes on such bills. The provisions of this rule shall not take precedence over any limitations set pursuant to Rule 25(32).

No Member Shall Name Another Member in Debate

Rule 85. No member shall name another member in debate, but shall refer to the member by district number or county.

Members Not to Use Profanity

Rule 86. No member may use profanity either while speaking on the floor or in committee.

Members Not to Walk Across House - When

Rule 87. While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Speaker. No member shall walk between two members who are engaged in debate or inquiries in the Hall of the House.

Order of Questions

Rule 88. Except as otherwise set forth in these rules, all questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 70.

Voting

Rule 89. (a) Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put; unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present when the vote was taken. Nothing herein contained shall prohibit a member from voting "Present" on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost. In the event that a member's vote (or absence) is incorrectly recorded in the Journal, he/she shall file with the Chief Clerk an affidavit stating that he/she was in the chamber at the time the vote was taken, that he/she did in fact vote, that the vote (or absence) was incorrectly recorded and the correct vote that should have been recorded. In addition to any other penalty provided by rule or law, the filing of a false affidavit shall subject that member to censure by the House.

(b) A member may not authorize any other person to cast his/her vote or record his/her presence. No other person may cast a member's vote or record a member's presence. A vote by a member of a committee with respect to any measure or matter may not be cast by proxy.

Verification of the Roll

**Members Not to Interrupt Calling of Ayes and Noes;
Changing Vote**

Rule 90. Except as otherwise specifically allowed by these rules no member shall be permitted to interrupt a roll call, and no member shall be allowed to vote or change his/her vote (except to have his/her vote correctly recorded) after a verification has begun, or after the final vote is announced.

Demand for Verification

Rule 91. Any five members may demand a verification of the roll call if such is made at any time prior to the time the voting has ended; which, in the event of electronic voting, shall be when the Speaker orders the voting board closed. A demand for verification and a call for absentees are the only reasons for which a member may interrupt a roll call vote.

Bell to Signal Recorded Vote

Rule 92. At a reasonable time prior to the beginning of calling the ayes and noes on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.

Roll Call Votes

Rule 93. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes or noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electronic roll call system. There shall be a taking of the vote by electronic roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in the cases of quorum calls. In the event that the electronic roll call system is inoperable, the taking and recording of such vote shall be done by calling the name of each member and recording the respective aye, no or present votes. Any member not responding when his/her name is called shall be recorded as absent.

Dress Code

Rule 94. At all times when the House is seated, proper attire for gentlemen shall be business attire, including coat, tie, dress trousers and dress shoes/boots. Proper attire for women shall be dresses or skirts or slacks worn with a blazer or sweater and appropriate dress shoes/boots. This rule shall apply to all members and staff on the floor of the House and lower gallery.

Eating, Smoking, Distracting Activities

Rule 95. No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in session. Smoking is prohibited in the Hall of the House, upper and lower galleries, except that members may smoke in the East Gallery.

Electronic Devices

Rule 96. Tape recorders, portable phones, video equipment, television equipment, photography equipment and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House unless permission has been granted by the Speaker. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized.

Ascending the Dais

Rule 97. No person shall ascend to the Dais without first being recognized to do so by the Speaker. The Speaker may invite any person to ascend the dais.

INTERIM PROCEDURE

Bills - End of First Regular Session

Rule 98. All House Bills or House Joint and Concurrent Resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate Bills and Senate Joint and Concurrent Resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro Tem's desk. House Bills and Joint and Concurrent resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years. This rule may only be suspended by a vote of two-thirds (2/3) of the elected members of the House.

Bills - Pre-Filing

Rule 99. A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Chief Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the pre-filing period preceding a regular session of the General Assembly in odd-numbered years, the Chief Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the General Assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that General Assembly. All bills or joint resolutions that are pre-filed shall be deemed filed on the day the House begins its regular session.

Interim Committees

Rule 100. All regular or special standing committees named during the first regular session of a General Assembly may meet to consider bills or perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the regular or special standing committee, to act in place of the regular or special standing committee during the interim. The Speaker may appoint special interim committees to consider bills or perform other necessary legislative duties. Members of each of the committees, or any subcommittee thereof, shall be reimbursed for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee, if approved by the Speaker.

CALL OF THE HOUSE

Names of Absentees to Be Called

Rule 101. A call of the House may be made at any time on motion seconded by ten members and sustained by a majority of those present; (names of members may be called orally or by electronic roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.

Absent Members May Be Sent For

Rule 102. Upon the call of the House, the names of those members present shall be recorded and the absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.

Prohibited While Voting In Progress

Rule 103. No call of the House shall be made after the Speaker has directed the clerk to open the electronic voting device to record the names of the members and until the vote be announced.

Majority Not Under Arrest May Censure And Fine Delinquent Members

Rule 104. The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.

Release from Custody

Rule 105. When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.

COMMITTEE OF WHOLE HOUSE

When Permitted

Rule 106. On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.

Chair Appointed by Speaker

Rule 107. In forming a Committee of the Whole House, the Speaker shall leave his/her chair, and a Chairman preside in the Committee, who shall be appointed by the Speaker.

Procedure upon Bills

Rule 108. Upon a bill being committed to a Committee of the Whole House, the same shall be first read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.

**Amendment to Motion Must Be
Incorporated in Original Motion**

Rule 109. All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.

Amendments Shall Be Noted

Rule 110. All amendments made to reports, resolutions or other matters committed to a Committee of the Whole House shall be noted and reported, as in case of bills.

Rules of Proceedings

Rule 111. Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.

Quorum

Rule 112. A majority of the members elected shall be a quorum to do business, and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.

ADMISSION TO HALL

Definitions

Rule 113. The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the House shall be known as the upper gallery.

Admission to House Floor

Rule 114. No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders, Assistant Majority and Minority Floor Leaders, Majority and Minority Whips, and Chairman of the Budget Committee and, at the request of the Speaker, technical support staff needed to maintain data processing equipment and other equipment. Other persons may be admitted to the floor and East Gallery with the consent of the House. For the purposes of this rule, the Chief Clerk's staff, the Assistant Chief Clerk, any doormen, sergeant-at-arms and House Photographer are considered officers of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.

Admission to Lower Gallery

Rule 115. No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the General Assembly, Joint Committee staff, the Governor, the Lieutenant Governor, the Secretary of State, the State Auditor, the State Treasurer, the State Attorney General, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Courts of Appeal or Circuit Courts, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization, and physically disabled persons. No official or other person, except current members of the General Assembly, otherwise allowed to enter the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the Speaker upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.

Admission to Upper Gallery

Rule 116. The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the press having valid credentials issued by the Speaker. All other upper galleries shall be open to the public.

RULES**May Be Rescinded or Amended - How**

Rule 117. Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution. Nothing herein shall prohibit a member from offering substitute rules or amendments to rules recommended by the committee.

May Be Dispensed With

Rule 118. Rules 70, 79 and 80 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds (2/3) of the elected members concur therein. No other standing rule or order of the House shall be dispensed with, except by unanimous consent or unless a constitutional majority concurs therein and motions for that purpose shall be limited to the question or proposition under consideration.

JEFFERSON'S MANUAL

Rule 119. The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules of the House of Representatives of the United States", and the official collection of precedents and interpretations of the rules by parliamentary authorities of the United States House of Representatives shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Chief Clerk, the Speaker, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader and the Assistant Minority Floor Leader will make available copies

of these documents in their offices to any member who so requests. Three copies of these documents shall be available during sessions of the House: one copy shall be at a location determined by the majority party and one copy shall be at a location determined by the minority party and one copy shall be in the possession of the Chief Clerk or his/her designee. The documents shall be purchased by the House and shall be the property of the House and not of the individual holding office. The Manual, Rules, precedents and interpretations above referred to shall be taken as authority in deciding questions not otherwise provided for in these rules.

Representative Franz, et al., offered House Resolution No. 39.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 17 through House Resolution No. 29
House Resolution No. 32 through House Resolution No. 37
House Resolution No. 40 and House Resolution No. 41

HOUSE CONCURRENT RESOLUTION

Representative Allen offered House Concurrent Resolution No. 6.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3 was read the second time.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 1 through **HJR 3** were read the second time.

SECOND READING OF HOUSE BILLS

HB 26 through **HB 109** were read the second time.

HOUSE ELECTION CONTEST

HOUSE OF REPRESENTATIVES OF THE
STATE OF MISSOURI

In the Matter of the)	
40th Legislative District:)	
)	
)	
Sean O’Toole)	
and)	
Will Royster,)	
Contestants/Petitioners)	No. _____
)	
v.)	
)	
John J. Rizzo,)	
Contestee/Respondent)	

NOTICE UNDER SECTION 115.567 RSMo

Petitioners Sean O’Toole and Will Royster, pursuant to Section 115.567 RSMo., state as follows:

I. Notice: The Petition styled Petition to Contest Election and Seating of John J. Rizzo (“Petition”) was filed with the House of Representatives, State of Missouri, at _____ a.m./p.m. on December 29, 2010, with the Speaker of the House of Representatives.

II. Grounds for Petition: The grounds for contesting the general election conducted for the 40th Legislative District, State of Missouri, are more specifically set forth in the Petition and incorporated herein as if more fully set forth. The grounds include the following:

A. *Additional evidence* (sometimes hereafter referred to as “newly discovered evidence” or “new evidence”) discovered after the appeal of an election contest (Royster v. Rizzo) was submitted to the Court of Appeals constituted irregularities that is material and of such magnitude that the trial court would have been required to order a new election had that evidence been available. The additional or new evidence is detailed in the Report of Voter Fraud (2010 40th District State Representative Race; Evidence of Voter Fraud and Voter Fraud Intent), which has been filed with the House of Representatives, is incorporated herein, and includes the following:

1. At least two and possibly as many three voters who are related by family to Rizzo and who *were not residents of the 40th Legislative District or even Jackson County*, Missouri, voted in the primary for the 40th Legislative District. These voters were residents of Clay County, Missouri. One of these voters acknowledged his Clay County residence before a television camera crew.

2. At least one voter who contributed to Rizzo’s campaign, but who was not a resident of the 40th Legislative District, voted in the primary and in the general election conducted for the 40th Legislative District. This third voter resides in Lee’s Summit, Missouri, which is well outside (by many miles) the geographical boundaries of the 40th Legislative District.

3. Two other voters who were listed on the Election Board’s voter list voted claiming an address in the 40th Legislative District, but that same residence is listed as owned by the Jackson County Land Trust and it appears to have been abandoned, closed and boarded up at least by the date of Royster filed his Motion for the Appointment of a Special Master with the Court of Appeals.

4. Another voter used 123 Oakley, Kansas City, Jackson County, Missouri as his residence for purposes of voting in the primary, even though that residence had been vacant for three years preceding the August 3, 2010, primary and was the subject to a demolition order as of the date of the primary.

5. Another voter who was registered in the 41st Legislative District both before and after the August 3, 2010, primary voted in the primary race for the 40st Legislative District.

6. Another voter tried to, but could not, vote because she could not find her polling place which was later discovered to have been combined with a precinct that was not joined with or contiguous to the geographical boundaries of that voter's precinct. This Precinct was one of those the trial court in *Royster v. Rizzo* found was not improperly joined.

7. During the general election, the same problems with unlawful assistance (in violation of Section 115.445 RSMo.) occurred multiple times in the same precinct located in the 40th Legislative District that was involved in the *Royster v. Rizzo* contest. The details regarding this report are in the Report of Voter Fraud. On information and belief, officials of the Kansas City Board of Election Commissioners were again called out to this precinct to ascertain and correct voter activities that were occurring.

8. The illegal ballots represented by the nine or more voters above-mentioned exceed Rizzo's one vote margin of victory in the primary. This evidence would have satisfied the requirements of both Sections 115.539 and 115.549 RSMo., which means that the primary election for the 40th Legislative District did not produce a lawfully selected and qualified candidate for the November 2010 general election.

B. All evidence adduced and points made in the case styled *Royster v. Rizzo*, Case No. 1016-CV25576; WD 72947, and the legal authorities cited therein (information has been filed with the House of Representatives).

C. On the basis of the foregoing, Petitioners/Contestants state that Contestee John J. Rizzo was not a qualified candidate to run in the November 2010 general election and he is not qualified to be seated in the House of Representatives.

III. Witnesses to be examined:

1. John J. Rizzo
2. Lindee Hopkins
3. Wendy Jane Jones
4. Shawn L. Keiffer
5. Elaine Oberg
6. Billie D. Robleado
7. Adam Schieber
8. Brock Rule
9. John Moretina
10. Clara Moretina
11. Sheila Stewart
12. Chris Moreno
13. Joseph D. Cervello
14. David Raymond

15. All individuals designated by the Secretary of State, State of Missouri, to conduct the Section 115.601 RSMO. recount of votes cast in the August 3, 2010 Democrat primary for the 40th Legislative District.

16. All depositions and the trial transcript in the election contest styled *Royster v. Rizzo*, Case No. 1016-CV25576, Circuit Court of Jackson County, Missouri, have been, or will be, offered and produced as evidence.

IV. Depositions: Depositions shall commence on or before January 20, 2011, beginning at 9:00 a.m., unless otherwise agreed or changed or rescheduled by the House of Representatives. Depositions shall conform to Sections 115.569 and 115.571 RSMo., and shall be at 9800 NW Polo Drive Suite 100, Kansas City, Missouri.

Respectfully submitted,

/s/ Sean O'Toole

/s/ Will Royster

HOUSE OF REPRESENTATIVES OF THE
STATE OF MISSOURI

In the Matter of the)	
40th Legislative District:)	
)	
Sean O’Toole)	
and)	
Will Royster,)	
Contestants/Petitioners)	No. _____
v.)	
)	
John J. Rizzo,)	
Contestee/Respondent.)	

PETITION TO CONTEST ELECTION AND SEATING OF JOHN J. RIZZO

1. Contestee/ Respondent John J. Rizzo (“Rizzo”) won the Democrat primary election for the 40th Legislative District conducted by the Kansas City Board of Election Commissioners on August 3, 2010 (sometimes hereafter “primary election”).

2. Petitioner/Contestant Sean O’Toole is a duly qualified and registered voter of the State of Missouri, Jackson County, 40th Legislative District, and he was the successful candidate for the Libertarian Party in the August 3, 2010, primary for the 40th Legislative District (Jackson County, Missouri) (sometimes hereafter “election”), and candidate for the Libertarian Party for the 40th Legislative District in the November 2010 general election. Petitioner/Contestant Royster is a duly qualified and registered voter of the State of Missouri, Jackson County, 40th Legislative District, and he was a candidate in the Democrat August 3, 2010, primary for the 40th Legislative District.

3. The initial certification of the August 3, 2010, Democrat primary election was returned with a *three vote margin of victory* - 667 votes for Rizzo and 664 votes for Contestant/Petitioner, Will Royster (“Royster”).

4. After receiving reports of irregularities concerning voting, electioneering and assistance given to voters, Royster filed an election contest in the Circuit Court of Jackson County, Missouri, in which he requested a recount under Section 115.539 RSMo. and a new election under Section 115.549 RSMo. (*Royster v. Rizzo*, Case No. 1016-CV25576, Circuit Court of Jackson County, sometime hereafter “election contest”).

5. Because Rizzo’s margin of victory was less than 1%, Royster also was automatically entitled to a mechanical recount of ballots. (Section 115.601 RSMo.) The recount was conducted by the Missouri Secretary of State pursuant to Royster’s written letter request. This 601 recount is limited to a recounting of ballots; it is separate from and does not include the extensive review of evidence available in a recount under Section 115.539 RSMo., such as, for example, whether voters were qualified to vote, circumstances surrounding why voters failed to certify their qualifications under oath in order to vote, proper identification procedures, misconduct by election judges or voters, or other irregularities that might have affected the election.

6. The “601” ballot recount resulted in a new certification, this time with a *one vote margin of victory* – Rizzo having received 664 votes and Royster 663 votes. The 601 recounts and recertification were reported to the trial court, and it is noted in the trial court’s judgment.

7. The trial court conducted the first of two hearings pursuant to Royster’s election contest on September 7, 2010.

8. Upon conclusion of the second hearing held on September 14, 2010, the trial court declined to authorize either a full recount with examination of evidence as provided under Section 115.539 RSMo., or a new election under Section 115.549 RSMo.. The Court thereafter entered its amended (final) judgment. Royster immediately appealed the trial court decision to the Missouri Court of Appeals, Western District (*Royster v. Rizzo*, WD 72947).

9. On October 6, 2010, after completion of the briefing schedule, the Court of Appeals heard oral arguments, following which the case was submitted to the Court of Appeals for a decision. After the submission of the case but before the Court of Appeals rendered an opinion, Royster discovered additional (news) evidence indicating election irregularities and fraud. This new evidence, which has never been reviewed by any court, was based, in very large measure, on the Election Board's list of voters who actually voted in the primary. Royster and his campaign volunteers had requested this voters' list from the Kansas City Election Board several times beginning within days of the August 3 primary election, but the Election Board (claiming that the list was not immediately available) delivered it well after the trial and too late (as it turned out) for use at the Court of Appeals level.

10. Following receipt of the Election Board's voters list, Royster and his campaign began an investigation which included, among other efforts, comparing the names of voters on the Election Board list to the list of Rizzo's campaign contributors, securing other information from public sources, reviewing a report by a local television station which shows an interview of an individual who voted in the 40th Legislative District (Jackson County) primary but who admitted to being a resident of Clay County, Missouri, and making personal visits to locations in the 40th Legislative District allegedly designated as the home and legal residence of voters whose names were taken from the Election Board's voter list. Upon confirming the irregularities, Royster filed a Motion for the Appointment of a Special Master with the Court of Appeals in order to request the Court to appoint a special master to examine the new evidence discovered during the investigation.

11. The Court of Appeals declined to appoint a special master to hear the new evidence (because of the short time remaining before the general election) and ruled against Royster on the merits of the appeal. Included as part of the packet of evidence and information that accompanies this Petition are copies of Royster's First Amended Petition (election contest) filed at the trial level, the amended judgment of the trial court, the motion for the appointment of a special master, and the opinion of the Missouri Court of Appeals.

12. On information and belief, after Royster filed the motion for the appointment of a special master to examine the new evidence, the Kansas City Election Board conducted its own investigation into Royster's additional allegations of voter fraud. To the best knowledge and belief of Petitioners, the Election Board's investigation consisted of sending a letter of inquiry to at least one of the voters identified by Royster as a nonresident in the motion for the appointment of a special master. To date, the Kansas City Election Board has refused to respond to Royster's requests for information related to the Board's investigation.

13. The *additional evidence* (sometimes hereafter referred to as "newly discovered evidence" or "new evidence") that was discovered after the appeal was submitted to the Court of Appeals has not been adjudicated, and it constitutes irregularities that are material and are of such magnitude that, had that evidence been available, the trial court would have been required to order either a recount under Section 115.539 RSMo., and a new election. The additional or new (non-adjudicated) evidence is detailed in the Report of Voter Fraud (2010 40th District State Representative Race; Evidence of Voter Fraud and Voter Fraud Intent), which has been filed with the House of Representatives, is incorporated herein, and includes the following:

a. At least two and possibly as many three voters who are related by family to Rizzo and who *were not residents of the 40th Legislative District or even Jackson County*, Missouri, voted in the primary for the 40th Legislative District. These voters were residents of Clay County, Missouri. One of these voters acknowledged his Clay County residence before a television camera crew.

b. At least one voter who contributed to Rizzo's campaign, but who was not a resident of the 40th Legislative District, voted in the primary and in the general election conducted for the 40th Legislative District. This third voter resides in Lee's Summit, Missouri, which is well outside (by many miles) the geographical boundaries of the 40th Legislative District.

c. Two other voters who were listed on the Election Board's voter list voted claiming an address in the 40th Legislative District, but that same residence is listed as owned by the Jackson County Land Trust and it appears to have been abandoned, closed and boarded up at least by the date of Royster filed his Motion for the Appointment of a Special Master with the Court of Appeals.

d. Another voter used 123 Oakley, Kansas City, Jackson County, Missouri as his residence for purposes of voting in the primary, even though that residence had been vacant for three years preceding the August 3, 2010, primary and was the subject to a demolition order as of the date of the primary.

e. Another voter who was registered in the 41st Legislative District both before and after the August 3, 2010, primary voted in the primary race for the 40th Legislative District.

f. Another voter tried to, but could not, vote because she could not find her polling place which was later discovered to have been combined with a precinct that was not joined with or contiguous to the geographical boundaries of that voter's precinct. This Precinct was one of those the trial court in *Royster v. Rizzo* found was not improperly joined.

g. During the general election, the same problems with unlawful assistance (in violation of Section 115.445 RSMo.) occurred multiple times in the same precinct located in the 40th Legislative District that was involved in the *Royster v. Rizzo* contest. The details regarding this report are in the Report of Voter Fraud. On information and belief, officials of the Kansas City Board of Election Commissioners were again called out to this precinct to ascertain and correct voter activities that were occurring.

h. The illegal ballots represented by the nine or more voters above-mentioned exceed Rizzo's one vote margin of victory in the primary. This evidence would have satisfied the requirements of both Sections 115.539 and 115.549 RSMo., which means that the primary election for the 40th Legislative District did not produce a lawfully selected and qualified candidate for the November 2010 general election.

i. The 601 Recount that was administered did not follow Ballot Tabulation procedures according to Missouri Code of State Regulations, Division 30 - Secretary of State Chapter 10 - Voting Machines (Electronic) for the proper counting of ballots.

14. The reasons why the additional evidence of voter fraud was not discovered earlier in the proceedings are set forth in the motion of the appointment of Special Master and the written response of Royster's counsel when the Court of Appeals inquired into why the evidence was brought to light after submission of the appeal.

15. A summary of the facts developed at the trial court level (which do not include the newly discovered evidence set forth above) are set forth in Exhibit A attached hereto and incorporated herein as additional support for this Petition and for consideration by the House of Representatives when determining Rizzo's qualifications and the result and validity of his election, both at the primary and general elections. Already on file with the House of Representatives, or to be filed concurrently with the submission of this Petition, are copies of the trial transcript and briefs of all parties filed with the Court of Appeals.

16. On information and belief, (a) the Secretary of State, State of Missouri, *delegated the responsibility to conduct the 601 recount requested by Royster to one or more officials of the Kansas City Election Board of Commissioners*; (b) Royster and his designees who attended the recount were specifically and repeatedly denied the ability to challenge any ballots; (c) within two days prior to the filing this Petition and acting on reports in the news media, officials with the office of Secretary of State, State of Missouri, contacted members of Royster's campaign claiming now that Royster should have been allowed to challenge formally all ballots during the 601 primary recount; and, (d) that recount was hurriedly conducted, and Royster and his designees were repeatedly admonished that they could not challenge ballots.

LEGAL GROUNDS

17. The Missouri Constitution provides as follows:

§ 18. Appointment of officers of houses--jurisdiction to determine membership--power to make rules, punish for contempt and disorderly conduct and expel members

Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and

punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

(Missouri Constitution, 1945; Article III, Section 18.)

18. The House of Representatives shall be the sole judge of the qualifications, election and returns of its own members, and the court will not intervene. *State v. Banks* (Mo.1970), 454 S.W.2d 498; The Legislative body of which he is a member has exclusive right to determine elected representative's qualifications to hold or assume office and courts are without jurisdiction to determine issue of removal of residence from district. *State v. Hickey* (Mo.), 475 S.W.2d 617. (1971)

19. Contested general elections involving a member of the House of Representatives shall be determined by the House of Representatives exclusively. Section 115.563 RSMo.

20. Neither the Contestants nor the voters were afforded a fair election, either during the primary or the general election. Practically and realistically, the primary election remains the single most important, if not the only, component to, and reason for, Rizzo's election to the House of Representative in the general election conducted in November, 2010.

Allegations regarding the New Evidence Discovered

21. The election laws violated by the voters who voted out-of-district in the August 3, 2010, primary election were mandatory statutes. Ballots cast in violation of mandatory election statutes are illegal and may not be counted. If the number of ballots declared to be illegal exceeds the margin of victory, the result of the election, and possibly the validity of the election itself, is in doubt. See Section 115.539, 115.449, and 115.593 RSMo.; *Barks v. Turnbeau*, 573 S.W. 2d 677 at 681 (Mo. App. ED 1978); *Ledbetter v. Hall*, 62 Mo. 422 (Mo. 1876); *Elliott v. Hogan*, 315 S.W.2d 840 (Mo.App. 1958).

22. Included among the mandatory statutes called into question by the *newly discovered evidence* in this matter are: (1) Sections 115.013 (21) and 115.113 RSMo. - precincts are the geographical area into which each election authority of this State must divide its jurisdiction for purposes of conducting elections, (2) Section 115.115.1 RSMo.- for each election within its jurisdiction, the election authority (the Kansas City Board of Elections) "Shall designate a polling place for each precinct within which any voter is entitled to vote at the election...@", (3) Section 115.163.3 RSMo. - the election authority "shall" send to each registered voter, a voter identification card containing the name and address of the voter, and the voters correct precinct and polling location at which the voter may vote, (4) Section 115.135 RSMo. - "Any person who is qualified to vote, ... shall be entitled to register *in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than...*" (5) Section 115.139 RSMo.- with limited exceptions pertaining to ownership of real property and absentee voters (which are not applicable here), *Any person shall be permitted to vote in any election unless the person is duly registered in accordance with this chapter.*" (6) Section 115.155 RSMo. - *voter must register using statutorily prescribed registration card on which voter states under oath the voter's correct address, township and precinct;* (7) Section 115. 430.2(3) RSMo. - *voters shall have the duty to appear and vote at the correct polling place.;* and, (8) Section 115.430.2(1) RSMo.- *if a voter refuses to go to the correct polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted if the voter was not eligible to vote at that polling place.*

23. The classification of the above statutes as mandatory and their importance to the conduct of lawful is underscored by two at least other statutes: (a) Section 115.191 RSMo. authorizes election authorities to "investigate the residence or other qualifications of any voter at any time it deems necessary"; and (b) Section 115.175 RSMo. declares that "Any person who knowingly or willfully gives any false information for the purpose of establishing his eligibility to register to vote or who conspires with another person for the purpose of encouraging his false registration or illegal vote, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration,shall be guilty of a class one election offense." See also Section 115.631 (1) and (18) RSMo. – class one election offense, Class C felony for false statements to an election authority or for

misleading an election authority in performance of duties and registering to vote not that a person is not legally entitled to register.

24. Individually, and in combination, the statutes that govern this matter (including also those involved in the election contest) constitute a mandate: To be lawful and counted, votes must be cast by qualified, eligible and registered voters, and in the legally correct legislative district and precinct of residence; only lawful votes cast in a lawfully conducted election may be counted.

25. Missouri appellate decisions make it clear that ballots cast by non-resident voters or voters who are not otherwise qualified to vote shall not be counted:

(a) Election invalidated because unqualified voters {because of residence in the case of nine voters, and improper registration in the case of one voter who was classified as “not a legal voter” by the court} were allowed to vote in a city election (*Marre v. Reed*, 775 S.W. 2d 951 at 956-957 (Mo. 1989)).

(b) Election invalidated because the election authority inadvertently or mistakenly allowed nonresidents to vote, and denied actual residents the right to vote, in a public water supply election (*Landwersiek v. Dunivan*, 147 S.W. 3d 141 (Mo. App. S.D. 2004)).

(c) Election invalidated because illegal and improperly cast absentee ballots were counted. *Elliot v. Hogan*, 315 S.W.2d 840 (Mo.App. 1958).

Prior Judicial Proceedings – Violations of Mandatory Election Statutes

26. In addition to the newly discovered (post-appeal, non-adjudicated) evidence described specifically by paragraph above, Royster states that the House of Representatives must consider, as part of its duty to review and pass upon Rizzo’s qualification and right to be seated, the facts and evidence developed in the election contest filed by Royster (*Royster v. Rizzo*), including the trial transcript, all exhibits, pleadings, briefs of the parties filed with the trial court and the Court of Appeals, and the opinion of the Missouri Court of Appeals, all of which are incorporated herein by this reference

27. If, after such review, the House of Representatives finds independently that the evidence actually produced at the judicial trial established multiple violations of mandatory statutes (including Section 115.445 RSMo.), and that those violations resulted in the casting of unlawful ballots that exceed Rizzo’s margin of victory in the August 3 primary, or that those statutory violations otherwise disqualify Rizzo from being seated by this body, then this House of Representatives must also consider those violations, and the illegal votes cast by reason thereof, when determining the right, eligibility, qualifications of Rizzo to be seated as a member of the House of Representatives representing the 40th Legislative District. Failure to Meet Qualifications to be Seated; Primary and General Elections.

28. The violations of election statutes set forth herein, including the statutes incorporated herein from pleadings in the primary election contest, applicable statutes relating to election offenses, as well as those specifically cited herein, and the evidence in support thereof establish that there were irregularities of sufficient magnitude to cast doubt on the validity and the result of the initial (general election) and the primary election conducted by the Kansas City Board of Election Commissioners for the 40th Legislative District. Sections 115.539, 115.549 and 115.593 RSMo.

29. If the evidence of new and additional irregularities, the identity of the voters who voted in the August 3 primary and their true places of residence, and the other wrongful conduct herein set forth had been discovered in time, the August 3 primary that Rizzo won by one vote would have been declared invalid under Missouri law, a new primary election for the 40th Legislative District would have been required, and a lawfully qualified Democrat candidate for the general election would have been selected. Section 115.549 RSMo. Having secured a majority of votes by one in the original August 3 primary by and through an invalid election and violations of Missouri law, Rizzo was not, and could not be, a lawfully selected candidate qualified to run for office in the November 2010 general election. No lawfully qualified candidate won the November 2010 election for the 40th Legislative District. Rizzo, therefore, is not qualified to be seated as a duly elected member of the House of Representatives.

30. Each member of the House of Representatives, and the House as a whole, has a duty to ensure that the election laws of the State of Missouri are properly implemented and that all members of the House are lawfully elected and qualified to be seated. WHEREFORE, Petitioners/Contestants respectfully request the House of Representatives, State of Missouri, to:

- a. Conduct a full evidentiary investigation into the Democrat primary election for the 40th Legislative District conducted on August 3, 2010, including the voters who voted out-of-precinct and out-of district;
- b. Subpoena, retain, protect and preserve all records of the Kansas City Board of Election Commissioners relating to voters registered with that election authority and all records relating specifically to the August 3, 2010 primary election and the November 2010 general election, including, but not limited to, all voter registration materials, applications and affidavits that the Kansas City Election Board is required by statute to retain, and all election materials, ballots, precinct registers, tally books, ballots (whether or not cast or used), notes, internal reports, reports of investigations, reports of irregularities, voter and candidate complaints, and statements made by all voters respecting their residence and qualifications to vote;
- c. Conduct such hearings and allow such evidence as shall be deemed necessary or proper, and to accept as evidence the information supplied by Petitioners herewith, the trial transcript and deposition transcripts in *Royster v. Rizzo*, Case No. 1016-CV25576, and the briefs and motions and all other pleadings filed, and exhibits and evidence introduced, by all parties in that election contest trial and the resulting appeal to the Missouri Court of Appeals, Western District, No. WD72947, and the decisions of the trial and Court of Appeals in that case;
- d. To re-examine the evidence, exhibits and pleadings in *Royster v. Rizzo*, Case No. 1016-CV25576 for the purpose of determining the qualifications of John J. Rizzo to be seated in the House of Representatives;
- e. Find and determine that the Democrat primary election for the 40th Legislative District conducted on August 3, 2010, was invalid, void and unlawful, and that it failed to result in the election of any lawfully selected candidate qualified to run in the November 2010 general election.
- f. Refuse and decline to seat John J. Rizzo as the representative of the 40th Legislative District;
- g. Find that John J. Rizzo has not met the qualifications to serve as representative of the 40th Legislative District;
- h. Find that the irregularities set forth herein are of sufficient magnitude to cast doubt on the result and the validity of the initial (general election) conducted in November 2010, and the primary election conducted on August 3, 2010, and to take such measures as are necessary to require a new election.
- i. Give notice of this Petition to, and serve the same upon, John J. Rizzo and others as directed by statute;
- j. Allow Contestant his costs and attorney=s fees and for such other relief as the House deems just and equitable.

Respectfully submitted,
/s/ Sean O'Toole
/s/ Will Royster

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF CASS)

Will Royster, being first duly sworn upon his oath, deposes and states that he is the Contestant/Challenger/Petitioner named in the foregoing Verified Petition, and that the facts stated therein are true to the best of his knowledge and belief.

/s/ Will Royster

Subscribed and sworn to before me, a Notary Public, in and for the County and State aforesaid, this 29th day of December, 2010.

/s/ Denise R. Bowlen
Notary Public

My Commission Expires:
June 29, 2011

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF CASS)

Sean O'Toole, being first duly sworn upon his oath, deposes and states that he is the Contestant/Challenger/Petitioner named in the foregoing Verified Petition, and that the facts stated therein are true to the best of his knowledge and belief.

/s/ Sean O'Toole

Subscribed and sworn to before me, a Notary Public, in and for the County and State aforesaid, this 29th day of December, 2010.

/s/ Denise R. Bowlen
Notary Public

My Commission Expires:
June 29, 2011

Exhibit A to
Petition to Contest Election and Seating of John J. Rizzo

SUMMARY OF FACTS FROM FIRST HEARING – September 7, 2010

Interpreters/ Escorts – unlawful assistance to voters – Section 115.445 RSMo.

1. The first witness to testify was Lindy Hobkins at the first hearing was an election judge at the Kansas City Museum. She testified that several groups of Somali voters came to the precinct, one of which consisted of three or four Somali women accompanied by a male escort (Tr. 8, lines 1-25; 9, lines 23-25; Tr. 10, lines 1-13).¹ With respect to this particular group, Hobkins stated:

¹The abbreviation "Tr." followed by a page number refers to the transcript of the trial and page number on which the referenced testimony may be found.

a. Unlike other ESL voters (English second language), the group of female Somali voters who were accompanied by the Somali escort “could not communicate on any level at all,” (Tr. 11, lines 11-13) and “stood out to me because they had absolutely not even the most basic rudimentary skills in being able to communicate in English at all... ” so much so that she questioned if they were citizens (Tr. 18, Lines 1-25); that when these Somali voters could not even determine who they wanted to vote for by examining sample ballots (TR.11, lines 16-25), she finally ask them directly, and several times, “do you know who you want to vote for on any of the ballots.” (Tr. 12, lines 1-3).

b. At that point, the Somali interpreter, who was standing nearby, left the polling place and returned with a Rizzo campaign sign to the polling place where the judges and voters were located. (Tr. 12, lines 4-25) (Exh. 24). The interpreter then “stood in front of me and held it (Rizzo sign) up and pointed to it and said this one, this one, this one.” (Tr. 12, lines 10-25). After pointing to the Rizzo sign, the interpreter took the sign and the voters to the tables with the voting booths, where he stood and the Somali women took a seat to mark their ballots. (Tr. 13, lines 13-20).

c. Because the Rizzo sign was too unwieldy, the interpreter took the sign back to the election judges’ table, and returned to a place behind the voting tables where the Somali women were sitting (Tr. 13, lines 21-25), and “he began to point toward the (Rizzo) sign” that he had placed at the judges’ table” (Tr. 14; lines 1-4; 16-25) while he “was actually leaning into the women’s personal space,” (Tr.14; lines 16-25; Tr. 15, Lines 1-2), and “he would go in between from pointing to Mr. Rizzo’s sign and pointing on to the ballot” for each of the Somali voters. (Tr. 15, lines 1-9). None of the Somali voters requested an affidavit (oath assistance card) to verify the need for assistance. (Tr. 15, line 10-25). When cross-examined, Hobkins said that she “tried” to determine the name of this interpreter, and whether or not he was related to the Somali voters, but could not “because he spoke no English.” (Tr. 20, lines 1-25).

2. Sean Warren, the Democrat supervisory judge at the Museum, testified that the escort “was over in each individual box (referring to booth) pointing to them and speaking their language, ... but he was directly pointing to them, instructing them basically is what it looked like.” (Tr. 25, lines 1-7).

3. Wendy Jones, who was an election judge at Garfield Elementary School on Election Day, testified that,

a. She saw two Somali men and two women escorting and leading Somali voters “inside the polling place,” where she “witnessed myself - I witnessed myself seeing them fill out the ballots. Actually fill out the ballots and actually tell the people - tell the people where to fill out at, what to sign..”, and when she confronted the escorts (interpreter), they claimed to be related to the voters, or that the voters were deaf, or blind or could not read or write ... (Tr. 53, lines 3-16), and that “These were the excuses all day long that we had for these particular four individuals (referring to the escorts) to vote with them and for them. (Tr. 53, lines 17-19).

b. Jones determined from her discussions with the interpreter/escort that not every escorted, Somali voter was related to the escort, and that some of the escorts were not related and were just from the same “tribe or village...” as the Somalis who voted. (Tr. 57, lines 1-11).

c. Some of the escorts signed the voter precinct register for the voters they escorted (Tr. 60, lines 14-25), and some of the escorts actually filled out a ballot for “maybe about eight.” (Tr. 61, lines 17-25).

d. When she decided to peak to the Democrat supervisory judge about the problems with the Somali voters and interpreters, she was told “... well look, you know, we’re just trying to get through the day, you’re making --- you know, we all want to just make a little money here and just get out, you know, just make the best of it and just --- let’s go home.” (Tr. 58, lines 12-21). That supervisory judge tried to stop the escorts, “maybe towards the end of the day, yes.” (Tr. 58, lines 21-25).

4. Elaine Oberg , the Democrat supervisory judge for Ward 11, Precinct 8, the precinct to which Jones was assigned, observed a Somali interpreter who accompanied Somali voters, “help them get registered, find their name,... help them ... pick up a ballot that they should vote on, and then he would take them back to the voting booth and they both would be in the voting booth at the same time” (Tr. 78, lines 1-9), and “He would point usually at the ballot they should take.” (Tr. 78, lines 13-17).

5. Elmer Wyatt was the Democrat supervisory election judge at the Garfield polling tables where the Somali voters appeared (Tr.148, line 9-14). He saw a Somali interpreter stand behind “about five” (5) Somali voters (Tr. 179, lines 12-21; Tr.180, lines1-7) assisting the voters. The same man returned a second time and “did the same thing” (Tr. 180, Lines 17-25), after which Wyatt became suspicious and warned the man not to return to the “poll anymore.” (Tr. 181, Line 1-7). The same man returned a third time, and Wyatt “stopped him at the door ... I didn’t let him come back into the building anymore.” (Tr. 181, lines 8-25). Wyatt also testified that the initials of two judges were placed on the ballot to validate it, that before the register is signed the voter must show identification, after which the vote is eligible to receive a ballot. (Tr. 182; 183). Wyatt also stated he made no mistakes when checking in voters, “I catch them things pretty quickly.” (Tr. 183, lines 18-25; Tr. 184).

6. Mr. Keifer, the Republican Election Board director, acknowledged that the Election Board headquarters received two calls regarding the Somali escorts (sometimes “interpreters”) on Election Day (Tr. 108, line 3-25). He personally visited Garfield after the second call and interviewed the election judges, where he learned about the interpreters from the election judges, “explained the law” to them (referring to judges) about when assistance is permitted, but did not think to remind the judges about the requirement to complete oath assistance cards. (Tr. 109, lines 8-25; Tr. 110-112). Kiefer stated that “it is the voters’ responsibility ...” to complete the oath assistance cards. (Tr.128, lines 11-25; tr. 129, lines 1-11).

Failure of voters to certify residence, sign and initial register; failure of election judges to initial ballots

7. A voter, Billie Robelado, found upon her arrival that the table for her precinct at Garfield was attended by one judge (Dora Spight), and that the ballots were unmonitored and located on the table “as far away from that judge as they could have been.” (Tr. 41; Tr. 42, lines 16; Tr. 42, lines 16-25).

8. The Republican Director of the Election Board identified at the first hearing, (a) 10 ballots without the initials of one or both election judges, six of which came from Ward 11, precincts 3 and 4 (Garfield), the precinct to which Dora Spight was assigned (Exhibits 21 A- G, and 22 and 23; Tr. 89-92; Tr. 11, lines 21-25; Tr. 101, lines1- 25), (b) a precinct map which shows the consolidated precincts that are one of the points on this appeal (Exh.10; Tr. 95); (c) the oath assistance card referred to in the election manuals and is distributed to each polling place for completion by voters needing assistance (Exh. 18; Tr. 102), and none of which were completed or used on Election Day at Garfield or the Kansas City Museum precincts where the Somali escort and interpreters appeared (Tr. 104); and, (d) the Election Board’s instruction manuals which are given to the election judges during training sessions (Exh. 7, 9, 13;Tr. 92-94), and which instruct the judges (1) that the voter must complete the Oath Assistance Card before assistance in voting can be given, (2) that “one person may not assist multiple voters, and (3) on three separate pages, that only family members, one person of the voter’s choice (subject to the one voter per election rule) and election judges may give assistance (pages 20, 22and 25). (Exh. 7, pages 20-24; Exh. 9, pages 20-25). The power point presentation (Exh13) contains a full page on the procedures, rules and restrictions that apply to assistance given to voters. Keifer agreed that election laws require “a lot of oaths..., and that they go the very heart of the election. (Tr. 108-109, line 1).

9. The Republican Director also reviewed the tally sheets for Precincts 11/4,11/ 5 and 11/6, and from that review, concluded that the failures to initial ballots were caused by judges’ mistakes. (Tr. 120-121). This review was not conducted under the supervision of the court, the parties or the attorneys. He did not interview or speak to any of the election judges when he made this conclusion.

10. One of the ballots that lacked the initials of both judges was an absentee ballot, but Mr. Keifer could not identify which judge made the mistake. (Tr. 121). All ballots cast in the primary election were commingled, and it would be impossible to identify ballots cast with assistance by the Somali interpreter. (Tr. 125, line 8-22).

Precinct consolidation

11. The Board consolidated several precincts, Ward 2, precinct 16 with Ward 2, precinct 02, and Ward 2, precincts 12 and 13 with Ward 2, Precinct 10. (Tr. 101-104).

SUMMARY OF FACTS SECOND HEARING –
Additional evidence September 14, 2010

12. At the second hearing, Mr. Keifer testified that (a) voters must sign the precinct (poll) register (Exh. 28, 29) to receive a ballot, and that the voter's "signature signified that they are --- that they are actually a registered voter at that location (precinct) which matches our books (Exh. 28,29; Tr. 161-162); (b) that the voter must initial the register to identify the correct address , and identification is required (Tr. 162, lines 4-23); (c) that election judges initial the voter's signature to verify the identity of the voter (Tr. 162, lines 24-25; Tr. 163); and (d) that the stickers placed on the register to indicate that "the two judges agree that that person who – is who they claim to be , and at that time they issue the ballot. (Tr. 165, lines 1-12).

13. There were multiple problems with the voter register of the precinct where the Somali voters were assisted. The Republican Director identified five (5) instances in which voters did not sign the register, six (6) instances in which voters did not initial the register, nine (9) instances in which the judges failed to initial the register, nine (9) instances in which no sticker was affixed to the register, and five (5) instances (one two times) in which the voters initials do not match the signatures of voters who signed for the ballots.(Tr. 164-173).

14. Keifer testified that he thought the mistakes with respect to the ballots and initials were judges' mistakes. (Tr. 174). On redirect examination, he acknowledged that he had not spoken to the precinct election judges since the election to determine why, or how it was that voters did not sign their names and place their initials on the precinct register. He said he did not know what happened. (Tr. 175).

15. The Election Board consolidated Ward 2, Precinct 16 with Ward 2, Precinct 2, and Precincts 12 and 13 in Ward 2 with Ward 2, precinct 10. (Exh.10). . *In one of these consolidated precincts, no voter voted, in any race.* (Exh. ; Precinct 2-16 in Exh.10). None of the consolidated precincts questioned by Appellant share common boundaries with the polling place (precinct) to which they were assigned. In order to vote, voters were required to travel past and through other precincts that do not adjoin the precincts of their residence. The trial court determined that the precincts were not improperly consolidated.

1. On the 6th day of October, 2010, the above-captioned matter was submitted to the Court upon oral argument by Appellant and Respondents.

2. That on September 28th , 2010, the Contestee Kansas City Board of Election Commissioners released its list of voters who voted in the August 3, 2010 primary election, which release was subsequent to Appellant submitting his Brief (September 17th), and subsequent to or near the time of said oral argument.

3. That prior to the release of the list of voters who voted in the election, the names on the voter registry was designated as confidential, together with all information on the poll registry, and was not released by the election board, and therefore there was not sufficient time to investigate and brief the Court on the findings of the review until the present.

4. That based upon a review of the recently released list of registered voters who cast votes in the August 3, 2010 Democratic primary for the 40th Legislative District, relevant and material information has become known concerning potentially irregular votes cast in the contest.

5. According to a comparison of the released voting list provided by the Kansas City Board of Elections and other public documents, including the campaign finance disclosure statements of Contestee Rizzo, certain irregularities are evident, including but not limited to the following:

a. A voter who is identified as a contributor of Contestee Rizzo's campaign with an address outside the 40th Legislative District voted in the August 3rd primary using a different address from his residence. Jackson County records demonstrate the voter as residing where the voter is designated on the Rizzo campaign records, which is not in the 40th Legislative District.

b. Two voters who were listed on the voter list voted claiming an address in the 40th Legislative District, but said residence is listed as owned by Jackson County Land Trust and appears to have been abandoned and boarded up as of the date of this Motion.

c. Three voters used the same address which does not exist, but on information and belief, one voter admitted to a local news outlet he resided out of the county.

6. That pursuant to Rule 68.03, "Each Appellate Court in which any action is pending may appoint a master therein."

7. That in the election contest, presently pending in this Court, this Court sits "in equity" and can fashion a remedy which ensures a fair election for the residents of the 40th Legislative District.

8. To assist the Court in fashioning a remedy, Appellant asks the Court to appoint a master to receive and report to the Court evidence of the actions on the part of individuals the master may find, which may further call into question the validity of the election.

9. That pursuant to Rule 68.03(d), Appellant requests the Court to exercise its powers as the Court directs in the most expeditious of matters, and report his or her findings to the Appellate Court, concerning the above allegations.

COMMITTEE APPOINTMENT

January 6, 2011

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

Dear Mr. Crumbliss:

Under authority of House Rule 22, I hereby appoint the following members to serve on the Special Standing Committee on Election Contests:

Representative Tim Jones, Chairman
Representative Tony Dugger, Vice-Chairman
Representative Jay Barnes
Representative Mike Colona
Representative Pat Conway
Representative John Diehl
Representative Sue Entlicher
Representative Tishaura Jones
Representative Stacey Newman

The Special Standing Committee on Election Contests may consider and report on all notices of election contests referred to it by the Speaker of the House.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Steven Tilley
Speaker of the Missouri House of Representatives

REFERRAL OF HOUSE ELECTION CONTEST

The following House Election Contest was referred to the Committee indicated:

HEC 1 - Special Standing Committee on Election Contests

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 38 - Rules

HR 39 - Rules

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 45 - Small Business

HB 47 - General Laws

HB 73 - General Laws

INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

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

HCR 4, introduced by Representative Flanigan, relating to the creation of the Missouri state capitol building centennial commission.

HCR 5, introduced by Representative Smith (150), relating to the Electric Utility Renewable Energy Standard Requirements.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 4, introduced by Representatives Barnes, Riddle, Bernskoetter and Richardson, relating to the citizens' commission on compensation for elected officials.

INTRODUCTION OF HOUSE BILLS

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

HB 110, introduced by Representative Zerr, relating to accreditation of vascular laboratories.

HB 111, introduced by Representative Cox, relating to the judiciary.

HB 112, introduced by Representatives Day, Dugger, Schad, Wright, Atkins, Gatschenberger, Funderburk, Keeney, Wells, Fitzwater, Fisher, Hoskins, Scharnhorst, Jones (89), Largent, Smith (150), Rowland, McCaherty, Riddle, Schatz, Tilley, Nolte and Pollock, relating to classification of certain real property.

HB 113, introduced by Representatives Day, Wright, Atkins, Wells, Fitzwater, Wallingford, Lair, Fisher, Leara, Hoskins, Gatschenberger, Scharnhorst, Funderburk, Jones (89), Keeney, Largent, Allen, Smith (150), Rowland, Schad, McCaherty, Riddle, Dieckhaus, Houghton, Curtman, Guernsey, Schatz, Tilley, Nolte and Pollock, relating to the age limit for concealed carry endorsements.

HB 114, introduced by Representatives Day, Rowland, Smith (150), Fisher, Schad, McCaherty, Largent, Higdon, Tilley and Nolte, relating to protective headgear for operation of motorcycles and motortricycles.

HB 115, introduced by Representatives Schad, Guernsey, Wells, Dugger, Nolte, Denison, Smith (150), Weter, Day, Fisher, Cox and Neth, relating to restrictions on reintroducing wild elk.

HB 116, introduced by Representatives Flanigan, Allen and Zerr, relating to amnesty for certain taxes.

HB 117, introduced by Representatives Ellinger, Newman, Still, Hummel and Colona, relating to environmentally sustainable construction for state-funded buildings.

HB 118, introduced by Representative Peters-Baker, relating to orders of protection.

HB 119, introduced by Representatives Schoeller and Pollock, relating to utilities.

HB 120, introduced by Representatives Schoeller and Pollock, relating to infrastructure replacement surcharges.

HB 121, introduced by Representatives Dugger and Entlicher, relating to elections.

HB 122, introduced by Representatives Webber and Kander, relating to the licensing of home inspectors.

HB 123, introduced by Representatives Riddle, Wyatt, Day, Lant, Richardson, Davis, White, Lichtenegger, Cookson, Jones (117), Barnes, Koenig, Korman, Schad, Dieckhaus, Phillips, Frederick, Keeney, Lair, Schatz, McCaherty, Long, Hampton, Higdon, Curtman, Gatschenberger, Brown (116), Parkinson, Elmer, Pollock, Faith, Johnson, Smith (150), Houghton, Fuhr, Fisher, Redmon, Wells, Franz and Gosen, relating to sales taxes on firearms and ammunition.

HB 124, introduced by Representatives Riddle, Pollock, Gosen, Day, Lant, Richardson, Davis, White, Lichtenegger, Cookson, Barnes, Korman, Schad, Schatz, Scharnhorst, Koenig, Higdon, Houghton, Gatschenberger, Long, Dugger, Entlicher, Parkinson, Franz, Crawford, Denison, Redmon, Bernskoetter, Webber and Holsman, relating to site development for energy generation facilities.

HB 125, introduced by Representatives Riddle, Wyatt, Day, Lant, Richardson, Davis, Lichtenegger, Jones (117), White, Cookson, Barnes, Koenig, Korman, Schad, Dieckhaus, Phillips, Keeney, Frederick, Lair, Scharnhorst, Schatz, McCaherty, Houghton, Higdon, Guernsey, Hampton, Redmon, Entlicher, Brown (116), Cross, Lauer, Long, Gatschenberger, Parkinson, Elmer, Sater, Pollock, Faith, Johnson, Smith (150), Fuhr, Fisher, Wells and Gosen, relating to the purchase of firearms.

HB 126, introduced by Representatives Barnes, Riddle, Bernskoetter and Jones (117), relating to mass layoffs of state employees.

HB 127, introduced by Representative Barnes, relating to the sheriffs' retirement system.

HB 128, introduced by Representative Barnes, relating to recovery of deposits in certain cases.

The following member's presence was noted: Diehl.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 4:00 p.m., Monday, January 10, 2011.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, First Day, Wednesday, January 5, 2011, Page 35, Line 10, by deleting the name "Shelley Keeney" and inserting in lieu thereof the name "Mike Kelley".

Page 38, Line 8, by deleting all of said line and inserting in lieu thereof the following, "**SPECIAL STANDING COMMITTEE ON REDISTRICTING**".

COMMITTEE MEETINGS

JOINT COMMITTEE ON EDUCATION

Wednesday, January 26, 2011, 8:00:00 AM.

Staff from Midwest Higher Education Compact will deliver their annual report to the Joint Committee on Education, Senate Education Committee, and House Higher Education Committee.

RULES

Monday, January 10, 2011, Hearing Room 6 Upon Afternoon Adjournment.

Public Hearing to be held on: HR 39

Executive session may be held.

HOUSE CALENDAR

THIRD DAY, MONDAY, JANUARY 10, 2011

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 4 and HCR 5

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 4

HOUSE BILLS FOR SECOND READING

HB 110 through HB 128