

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

THIRD DAY, MONDAY, JANUARY 10, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Pastor Paul Meinsen, Grace Evangelical Church, Jefferson City, Missouri.

The Heavens will praise Your wonders, O LORD; Your faithfulness also in the assembly of the holy ones. For who in the skies is comparable to the LORD? Who among the sons of the mighty is like the LORD, A God greatly feared in the council of the holy ones, and awesome above all those who are around Him? O LORD God of hosts, who is like You, O mighty LORD? (Psalm 89:5-8a)

We give You much thanks, Father, for another day in which to be of service to You; another day to bring glory to Your Holy Name.

I pray this morning on behalf of these men and women before me asking You to grant them the wisdom they need to lead and serve the people of this great state.

Your servant, King Solomon, needed to know how to lead the kingdom You had given to him. And things have not changed in the past 3000 years. All who are in positions of leadership and authority, Father, still need wisdom from You - wisdom to govern, lead and serve so great a people.

I pray today then that You will give freely that which is needed.

Let them all know what is right, according to the Scripture You have given us.

Let them have the fortitude to do that which is right and to do it with a spirit of humility and grace.

May we all set aside own personal agendas and honor for the good of those we have been called to serve.

May we all learn to fear You and You alone.

We call upon You in this prayer. Please answer and glorify Yourself.

To the glory of Your name, O Lord, I pray in Your Son's name. Amen.

The Pledge of Allegiance to the flag was recited.

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

AYES: 147

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	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Ellinger	Elmer
Entlicher	Faith	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Johnson	Jones 63	Jones 89	Jones 117	Keeney
Kelley 126	Kirkton	Klippenstein	Koenig	Korman
Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McDonald
McGeoghegan	McGhee	McManus	McNary	McNeil
Meadows	Molendorp	Montecillo	Nance	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	Schoeller	Schupp
Shively	Shumake	Sifton	Smith 71	Smith 150
Solon	Spreng	Still	Stream	Swearingen
Swinger	Talboy	Taylor	Thomson	Torpey
Wallingford	Walton Gray	Webb	Webber	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 000

PRESENT: 002

Atkins Oxford

ABSENT WITH LEAVE: 014

Carter	Curis	Funderburk	Grisamore	Holsman
Hughes	Kander	Kelly 24	May	McCann Beatty
Nasheed	Schneider	Silvey	Zimmerman	

OATH OF OFFICE

Representative-elect Chris Kelly advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Steven Tilley, Speaker of the House of Representatives.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 42 through House Resolution No. 59

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 4 and **HCR 5** were read the second time.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 4 was read the second time.

SECOND READING OF HOUSE BILLS

HB 110 through **HB 128** were read the second time.

COMMITTEE REPORT

Committee on Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HR 39**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 39

WHEREAS, attorneys general from 13 states sued the federal government on March 23, 2010, claiming the landmark health care reform bill is unconstitutional. The amended complaint currently features 20 state plaintiffs, with the National Federation of Independent Business (NFIB) joining as a co-plaintiff on behalf of its members nationwide; and

WHEREAS, the lawsuit filed and joined by a total of 20 attorneys general includes and asserts:

- (1) A Commerce Clause claim;
- (2) A Tenth Amendment sovereignty violation for forcing states, among other things, to expand Medicaid coverage;
- (3) A direct tax violation for the one-size-fits all penalty if a person fails to purchase health insurance; and
- (4) A violation of Article 4, Section 4 of the United States Constitution because "the Act deprives [the States] of ... their right to a republican form of government"; and

WHEREAS, the lawsuit asks the bill be declared unconstitutional because "the Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying health care coverage"; and

WHEREAS, the lawsuit also claims the health care legislation violates the Tenth Amendment of the United States Constitution, which says the federal government has no authority beyond the powers granted to it under the Constitution, by forcing the states to carry out its provisions but not reimbursing them for the costs; and

WHEREAS, the lawsuit also asserts that the states cannot afford the new law because the health care legislation will add millions of people to state Medicaid rolls, costing some states more than one billion dollars over the next ten years in increased Medicaid expenditures; and

WHEREAS, according to an attorney representing the 20 attorneys general joining in the lawsuit, those state attorneys general "are convinced that the federal health care legislation is fundamentally flawed as a matter of constitutional law, that it exceeds the scope of proper constitutional authority of the federal government and tramples upon the rights and prerogatives of states and their citizens"; and

WHEREAS, on July 7, 2010, Missouri Lieutenant Governor Peter Kinder sued members of the Obama Administration responsible for enforcing the provisions of the federal health care reform law. The lawsuit challenges

those provisions of the federal health care reform law which actually reduce Missourians access to affordable health care and which violate the Missouri Constitution and the United States Constitution; and

WHEREAS, under the federal legislation, beginning in 2014, most Americans will be required to carry health insurance, either through an employer or government program or by purchasing it themselves. Those Americans who refuse to carry such health insurance will face penalties from the Internal Revenue Service; and

WHEREAS, an overwhelming majority of 71% of Missourians supported the passage of Proposition C in the 2010 General Election in Missouri that protects Missourians from being penalized for refusing to purchase private health insurance or infringe upon the right to offer or accept direct payment for lawful health care; and

WHEREAS, according to the National Conference of State Legislatures, at least 36 states are attempting to limit, alter, or oppose some of the federal legislation's provisions through state constitutional amendments or laws, with many of the proposals seeking to keep health insurance coverage optional for individuals and exempt employers from penalties if they don't offer coverage for workers:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-sixth General Assembly, hereby call on Missouri Attorney General Chris Koster to file an independent lawsuit or join the 20 other state attorneys general from across the nation in challenging the constitutionality and validity of the Patient Protection and Affordable Care Act, the federal health care legislation, and to aggressively defend the validity of Proposition C as voted on by the people of Missouri in the 2010 Missouri General Election; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri Attorney General Chris Koster.

INTRODUCTION OF HOUSE BILLS

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

HB 129, introduced by Representative Barnes, relating to juvenile court jurisdiction.

HB 130, introduced by Representative Barnes, relating to the uniform adult guardianship and protective proceedings jurisdiction act.

HB 131, introduced by Representatives Cox, Gatschenberger, Brown (116), Cauthorn, Wells, Franz, Fisher, Houghton, Schad, Jones (117), Faith, Schieffer and Shumake, relating to the dog breeders cruelty prevention act.

HB 132, introduced by Representatives Still, Webb, McNeil, Pace, McDonald, Walton Gray, Newman, Kirkton, Spreng, Peters-Baker, Carlson, Nichols, Taylor, Ellinger, Pierson, Swearingen, Anders, McGeoghegan, McCann Beatty, Conway (27), Oxford, Black, Harris, Atkins, Shively, Schupp, Quinn, Fallert, Kratky, Lampe, Webber, Kander, Hummel, Schieffer, Aull, Sifton, Smith (71), Brown (50), Meadows, Jones (63) and Carter, relating to payday loans.

HB 133, introduced by Representatives Brandom, Jones (89), Pollock, Wells, Wallingford and Nolte, relating to workers' compensation.

HB 134, introduced by Representative Nasheed, relating to the practice of hair braiding.

HB 135, introduced by Representative Nolte, relating to the board of unemployment fund financing.

HB 136, introduced by Representative Day, relating to unemployment benefits.

HB 137, introduced by Representatives Thomson, Lair, Ruzicka, Klippenstein, Hoskins, Wallingford, Cookson, Stream, Davis, White and Lichtenegger, relating to the transfer of property by certain state universities.

HB 138, introduced by Representatives Thomson, Lair, Ruzicka, Klippenstein, Fisher, Pollock, Wells, Dugger, Hoskins, Wyatt, Smith (150), Schad, Franz, Guernsey, Fitzwater, Redmon, Cookson, Houghton, Stream, Burlison, Shumake, Flanigan, Davis, White, Lant, Brown (116), Rowland, Richardson, Hampton, Lichtenegger, Dieckhaus, Kelley (126) and Schoeller, relating to wages for work done of behalf of a school.

HB 139, introduced by Representatives Smith (150), Leach, Rieboldt, Hampton, Cookson, Flanigan, Tilley, McNary, Koenig, Redmon, Long, Houghton, Schatz, Allen, Jones (89), Brandom and Schoeller, relating to the Missouri accountability portal.

HB 140, introduced by Representatives Black, Hodges, Fallert and Casey, relating to children as passengers on certain heavy equipment.

HB 141, introduced by Representatives Black, Walton Gray, Hodges, Meadows, Fallert and Casey, relating to the heroes way interchange designation program.

HB 142, introduced by Representative Gatschenberger, relating to political subdivisions.

HB 143, introduced by Representatives Schoeller, Burlison, Leach, Hinson, Long, Lampe, Denison and Smith (150), relating to child abuse and neglect.

HB 144, introduced by Representatives Schoeller, Burlison, Hinson, Leach, Long and Denison, relating to a tax deduction for loan payments to repair a premises damaged by flooding.

HB 145, introduced by Representatives Schoeller, Allen, Richardson, Jones (117), Bahr, Nance, White, Davis, Kelley (126), Hampton, Wright and Torpey, relating to entities receiving state funds.

HB 146, introduced by Representatives Schoeller, Richardson, Jones (117), Bahr, Nance, Lauer, Kelley (126), Hampton, Wright and Berry, relating to chiropractic services.

COMMITTEE APPOINTMENTS

January 10, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Don Gosen as Vice Chairman of the Committee on Urban Issues and appoint Representative Michael Brown.

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

Sincerely,

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

January 10, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Jason Smith as Vice Chairman of the Ethics Committee and appoint Representative Jeanette Mott Oxford.

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

Sincerely,

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

January 10, 2011

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

Dear Mr. Crumbliss:

I hereby appoint the following members to serve on the Joint Committee on Capital Improvements and Leases Oversight:

Representative Rick Stream
Representative Mark Parkinson

Continuing to serve on this Joint Committee are:

Representative Ryan Silvey
Representative Shalonn Curls
Representative Chris Kelly

If you have any questions, please contact my office.

Sincerely,

/s/ Steven Tilley
Speaker of the House of Representatives

January 10, 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 member to serve on the Special Standing Committee on Election Contests:

Representative Chris Kelly

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 House of Representatives

COMMUNICATION

January 5, 2011

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

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Mike Lair
Representative
District 7

The following members' presence was noted: Carter, Curls, Grisamore, Kander, May, McCann Beatty, Nasheed, Schneider and Silvey.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:30 a.m., Tuesday, January 11, 2011.

COMMITTEE MEETINGS

APPROPRIATIONS - EDUCATION

Tuesday, January 18, 2011, 2:00 PM House Hearing Room 1.
Organization Meeting, Public Testimony.

APPROPRIATIONS - EDUCATION

Wednesday, January 19, 2011, 2:00 PM House Hearing Room 1.
Public Testimony (continued).

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 11, 2011, 3:30 PM House Hearing Room 3.
Organizational Meeting.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, January 12, 2011, 12:00 PM House Hearing Room 4.
Organizational Meeting.

DOWNSIZING STATE GOVERNMENT

Thursday, January 13, 2011, 8:00 AM House Hearing Room 4.
Organizational Meeting.

ECONOMIC DEVELOPMENT

Tuesday, January 11, 2011, 5:00 PM House Hearing Room 7.
Organizational Meeting.

GENERAL LAWS

Wednesday, January 12, 2011, 2:00 PM House Hearing Room 4.
Public hearing to be held: HB 47, HB 73
Executive Session May Follow.

HEALTH CARE POLICY

Wednesday, January 12, 2011, 12:00 PM House Hearing Room 6.
Organizational Meeting Only.

JOINT COMMITTEE ON EDUCATION

Wednesday, January 26, 2011, 8:00 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.

JUDICIARY

Wednesday, January 12, 2011, 12:00 PM House Hearing Room 1.
Organizational Meeting.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, January 12, 2011, 1:00 PM House Hearing Room 5.
Organizational Hearing.

RULES

Tuesday, January 11, 2011, 3:00 PM House Hearing Room 6.
Public hearing to be held: HR 38
Executive session may follow.

RURAL COMMUNITY DEVELOPMENT

Wednesday, January 12, 2011, 2:00 PM House Hearing Room 1.
Organizational Meeting.

SPECIAL STANDING COMMITTEE ON REDISTRICTING

Thursday, January 13, 2011, 8:30 AM House Hearing Room 1.
Organizational Meeting - no public testimony will be taken.

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS
Thursday, January 13, 2011, 8:00 AM House Hearing Room 7.
Organizational Meeting.

HOUSE CALENDAR

FOURTH DAY, TUESDAY, JANUARY 11, 2011

HOUSE BILLS FOR SECOND READING

HB 129 through HB 146

HOUSE RESOLUTIONS

HR 39, (1-10-2011) - Franz