

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

NINTH DAY, THURSDAY, JANUARY 20, 2011

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

The Lord God is a sun and shield: The Lord will give grace and glory: no good thing will He withhold from them that walk uprightly. (Psalm 84:11)

"Spirit of God, descend upon my heart;
Wean it from earth; through all its pulses move;
Stoop to my weakness, mighty as You are;
And make me love You as I ought to love."

Spirit of God descend upon our hearts - this is our prayer this snowy morning. Make us daily aware of Your presence and in Your spirit may we find the attitudes we need for this day. Slow us down, Lord, slow us down; we work too hard, we eat too fast, we hurry too much. Help us to take time to think clearly, time to pray sincerely, and above all time to cultivate the sense of Your presence in our hearts and in our homes. Then give us the faith and the fortitude to walk uprightly in Your way, for the good of the State of Missouri and for the glory of Your Holy Name.

We recall today our Missouri history when in 1872 Governor Brown became the first occupant of the current Executive mansion. Bless all who have resided there, past, present and future. Strengthen the dedication of all who strive to protect and preserve this residence. We beg this favor in the name of Him, Who is the Ancient of Days. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighth day was approved as printed.

SPECIAL RECOGNITION

Dr. Paul G. Dolan, Dr. Jon I. Haynes, Dr. Marshall S. Manne and Dr. Jacob J. Lippert were recognized by Speaker Pro Tem Schoeller for their 50 years of service to the dental profession.

Dr. Ervin W. Harder was introduced by Representative Shumake and presented a resolution for his 50 years of service to the dental profession.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 172 through House Resolution No. 206

HOUSE CONCURRENT RESOLUTIONS

Representative Nolte offered House Concurrent Resolution No. 16.
 Representative Schieffer, et al., offered House Concurrent Resolution No. 17.

SECOND READING OF HOUSE BILLS

HB 228 through **HB 262** were read the second time.

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Stream reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 45** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILL

HCS HB 45, relating to small business tax relief, was taken up by Representative Hoskins.

On motion of Representative Hoskins, **HCS HB 45** was read the third time and passed by the following vote:

AYES: 136

Allen	Anders	Asbury	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brattin	Brown 50	Brown 85	Brown 116	Burlison
Carter	Casey	Cauthorn	Cierpiot	Colona
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curls	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Faith	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Harris	Higdon
Hinson	Hodges	Holsman	Hoskins	Hough
Houghton	Hubbard	Johnson	Jones 63	Jones 89
Jones 117	Keeney	Kelley 126	Kelly 24	Klippenstein
Koenig	Korman	Kratky	Lair	Lant
Largent	Lasater	Lauer	Leach	Lichtenegger
Loehner	Long	Marshall	McCaherty	McCann Beatty
McGhee	McManus	McNary	Molendorp	Montecillo
Nance	Nasheed	Neth	Newman	Nichols
Nolte	Parkinson	Peters-Baker	Phillips	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Schieffer	Schneider
Schoeller	Shively	Shumake	Sifton	Silvey
Smith 150	Solon	Spreng	Stream	Swinger
Talboy	Thomson	Torpey	Wallingford	Wells

Weter White Wieland Wyatt Zerr
Mr Speaker

NOES: 021

Atkins Ellinger Hummel Kander Kirkton
Lampe May McDonald McGeoghegan McNeil
Oxford Pace Pierson Schupp Smith 71
Still Swearingen Taylor Walton Gray Webb
Webber

PRESENT: 000

ABSENT WITH LEAVE: 006

Carlson Hughes Leara Meadows Wright
Zimmerman

Speaker Pro Tem Schoeller declared the bill passed.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

- HCR 3** - Budget
- HCR 6** - Tourism and Natural Resources
- HCR 11** - Tourism and Natural Resources

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 2** - Children and Families
- HJR 3** - Agri-Business
- HJR 6** - Workforce Development and Workplace Safety
- HJR 8** - Tax Reform

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 28** - Children and Families
- HB 29** - Health Care Policy
- HB 30** - Small Business
- HB 35** - Judiciary
- HB 42** - Utilities
- HB 44** - Downsizing State Government
- HB 46** - General Laws
- HB 48** - Elementary and Secondary Education
- HB 54** - Elections

- HB 55** - Ways and Means
- HB 56** - Economic Development
- HB 58** - Transportation
- HB 60** - Local Government
- HB 77** - International Trade and Job Creation
- HB 78** - Tax Reform
- HB 79** - Veterans
- HB 80** - Local Government
- HB 81** - Tax Reform
- HB 83** - Financial Institutions
- HB 86** - Small Business
- HB 88** - Judiciary
- HB 90** - General Laws
- HB 92** - General Laws
- HB 94** - Agriculture Policy
- HB 95** - Elections
- HB 99** - Agriculture Policy
- HB 100** - Agriculture Policy
- HB 101** - Local Government
- HB 102** - Ways and Means
- HB 105** - Crime Prevention and Public Safety
- HB 107** - Elections
- HB 108** - General Laws
- HB 109** - Financial Institutions
- HB 111** - Judiciary
- HB 112** - Rural Community Development
- HB 113** - General Laws
- HB 114** - Transportation
- HB 116** - Ways and Means
- HB 124** - Utilities
- HB 126** - Transportation Funding and Public Institutions
- HB 127** - Retirement
- HB 129** - Judiciary
- HB 131** - Agriculture Policy
- HB 136** - Veterans
- HB 137** - Transportation Funding and Public Institutions
- HB 138** - Elementary and Secondary Education
- HB 142** - Local Government
- HB 148** - Insurance Policy
- HB 149** - Veterans
- HB 151** - Ways and Means
- HB 157** - Local Government
- HB 161** - Local Government
- HB 168** - International Trade and Job Creation
- HB 169** - Elementary and Secondary Education
- HB 171** - Elections
- HB 173** - Financial Institutions

HB 174 - Higher Education
HB 183 - Retirement
HB 186 - Elections
HB 189 - Tourism and Natural Resources
HB 190 - Tourism and Natural Resources
HB 191 - Tourism and Natural Resources
HB 192 - Tourism and Natural Resources
HB 193 - Special Standing Committee on Redistricting
HB 196 - Health Care Policy
HB 203 - Crime Prevention and Public Safety
HB 204 - Veterans
HB 205 - Workforce Development and Workplace Safety
HB 209 - Agri-Business
HB 211 - Small Business
HB 213 - Health Care Policy
HB 214 - Crime Prevention and Public Safety
HB 215 - General Laws
HB 217 - Elections
HB 218 - Judiciary
HB 219 - Elementary and Secondary Education
HB 220 - Professional Registration and Licensing
HB 224 - Professional Registration and Licensing
HB 225 - Crime Prevention and Public Safety
HB 226 - Workforce Development and Workplace Safety
HB 235 - Downsizing State Government
HB 262 - Health Insurance

COMMITTEE REPORT

Committee on General Laws, Chairman Franz reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 5

Relating to disapproval under Article IV, Section 8 of the Missouri Constitution the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 regarding the Electric Utility Renewable Energy Standard Requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the Public Service Commission filed a proposed amendment for 4 CSR 240-20.100 on January 8, 2010, and filed the order of rulemaking with the Joint Committee on Administrative Rules on June 2, 2010, and filed an amendment order or rulemaking with the Joint Committee on Administrative Rules on July 1, 2010; and

WHEREAS, the Joint Committee on Administrative Rules held hearings on June 24, June 30, and July 1, 2010, and has found 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 lacking in compliance with the provisions of Chapter 536, RSMo:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby finds that the Public Service Commission has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo; and

BE IT FURTHER RESOLVED that the General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, Electric Utility Renewable Energy Standard Requirements; and

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-sixth General Assembly, First Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

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

HR 18, introduced by Representatives Parkinson and Tilley, relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 11, introduced by Representatives Burlison, McNary, Koenig, Elmer, Long, Parkinson, Hampton, Schoeller, Smith (150), Allen, Wyatt, Jones (89), Neth, Schad, Kelly (24) and Gatschenberger, relating to the commonsense obligation to provide accountability and spending stabilization act.

HJR 12, introduced by Representatives Burlison, Long, Smith (150), Allen, Neth, McNary and Cox, relating to the general assembly.

INTRODUCTION OF HOUSE BILLS

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

HB 263, introduced by Representative Weter, relating to the Missouri local government employees' retirement system.

HB 264, introduced by Representatives Nolte and Weter, relating to the manufacturing jobs act.

HB 265, introduced by Representatives Smith (150), Wells, Pollock and Dugger, relating to nurses.

HB 266, introduced by Representatives Smith (150), Rowland, Ruzicka, Wright and Neth, relating to weight limitations for vehicles hauling livestock.

HB 267, introduced by Representatives McNeil, Schoeller, Holsman, Kelly (24), Molendorp, Still, Faith and Oxford, relating to environmentally sustainable construction for state-funded buildings.

HB 268, introduced by Representatives Lasater, Kelly (24), Solon, Torpey and Lichtenegger, relating to mining safety.

HB 269, introduced by Representatives Molendorp and Nance, relating to tort liability and immunity.

HB 270, introduced by Representatives Burlison and Swinger, relating to state health insurance benefits.

HB 271, introduced by Representatives Burlison, Guernsey, Brattin, Smith (150), Flanigan, Koenig, Brandom, Loehner, Houghton, Elmer, Long, Fraker, Hough, Parkinson, Leach, Hampton, Schoeller, Allen, Wyatt, Riddle, Jones (89), Korman, Hinson, Schad, Bahr and Ruzicka, relating to concealed carry endorsements.

HB 272, introduced by Representatives Kirkton, Oxford, Still, Jones (63), McNeil, Walton Gray, Schupp, Pace, Loehner, Lampe, Curls, Sater, Schad, Jones (117), Richardson, Pollock, Fraker, Franz, Weter and Dugger, relating to the MO HealthNet oversight committee.

HB 273, introduced by Representatives Allen, Flanigan, Richardson, Jones (117), Zerr, Dieckhaus and Weter, relating to school safety.

HB 274, introduced by Representatives Bahr and Kelley (126), relating to funeral protests.

HB 275, introduced by Representatives Franz and Denison, relating to employee rights.

HB 276, introduced by Representatives Franz, Fisher, Reiboldt, Lant, Day, Denison, Hinson, Solon, Gatschenberger, Lichtenegger, Bahr, Cross and Kelley (126), relating to funeral protests.

HB 277, introduced by Representatives Franz, Riddle and Barnes, relating to voter registration for hunting and fishing permit applicants.

HB 278, introduced by Representatives McNeil, Swearingen, Kirkton, McDonald, Newman, Peters-Baker, Pace, Walton Gray, Oxford, Schupp, Jones (63), Kelly (24), Still and Carter, relating to the implementation of the streamlined sales and use tax agreement.

HB 279, introduced by Representatives Solon, Tilley, Smith (150), Schoeller, Riddle, Dieckhaus, Diehl, Hampton, Allen, McGhee, Kelly (24), Weter, Lant, Wright, Day, Franz, Cross, Hough, Nance, Gatschenberger, Lasater and Fitzwater, relating to the senior citizens protection act.

HB 280, introduced by Representatives Frederick, Haefner, Allen, Wallingford, Neth, Berry, Franklin, Denison, McCaherty, Phillips, Guernsey, Kelley (126) and Koenig, relating to diagnostic imaging services.

HB 281, introduced by Representatives Kelley (126), Crawford, Redmon, Houghton, Brattin, Lant, Reiboldt, Wyatt, Fitzwater, Frederick, Davis, Entlicher, Parkinson, Richardson, Dugger, Smith (150), Wallingford, Loehner, Shively, Aull, Schieffer, Long, Schoeller, Cross, Brown (116), Denison, Fisher and Franz, relating to commercial dog breeders.

HB 282, introduced by Representative Franz, relating to the state employee deferred contribution program.

HB 283, introduced by Representatives Rowland, Kelley (126), Cox, Loehner, Elmer, Hinson, Phillips, Koenig, Riddle, Shumake, Wells, Pollock, Schoeller, Smith (150), Franklin, Fisher and Leach, relating to declarations of candidacy.

HB 284, introduced by Representatives McNary, Cierpiot, Redmon, Houghton, Nolte, Berry, Guernsey, Haefner, Brattin and Brown (85), relating to possession and use of certain alcohol containers and devices on certain rivers.

COMMUNICATION

January 20, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Jeanette Mott Oxford as a member of the Committee on Tax Reform and appoint Representative Rory Ellinger as a member.

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

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 4:00 p.m., Monday, January 24, 2011.

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, January 25, 2011, 2:00 PM House Hearing Room 4.

Appropriation Bills to be heard in following order:

Department of Agriculture

Department of Natural Resources

Department of Conservation

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 26, 2011, 2:00 PM House Hearing Room 4.

Appropriation Bills to be heard in following order:

Department of Agriculture

Department of Natural Resources

Department of Conservation

APPROPRIATIONS - EDUCATION

Wednesday, January 26, 2011, 2:00 PM House Hearing Room 1.

Executive Session may be held.

Budget presentation by the Department of Elementary and Secondary Education.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, January 25, 2011, 12:00 PM House Hearing Room 3.

Executive Session may be held.

Public Testimony.

Those wishing to testify before the committee please notify the committee chair's office before the meeting date. Contact Emily at 751-2949.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Tuesday, January 25, 2011, 2:00 PM House Hearing Room 5.

Public testimony to be taken.

Contact Chairman Flanigan's office at (573) 751-5458 to schedule testimony.

ELECTIONS

Tuesday, January 25, 2011, 8:00 AM House Hearing Room 5.

Public hearing to be held on: HB 107, HB 171, HB 186, HB 217, HB 95

Executive Session may be held.

GENERAL LAWS

Tuesday, January 25, 2011, 12:00 PM House Hearing Room 4.

Public hearing to be held on: HB 113, HB 215

Executive Session may be held.

AMENDED

HEALTH INSURANCE

Tuesday, January 25, 2011, 12:00 PM House Hearing Room 5.

Organizational Meeting.

JOINT COMMITTEE ON EDUCATION

Wednesday, January 26, 2011, 9:00 AM Senate Committee Room 1.

Executive Session may be held.

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.

CORRECTED

SMALL BUSINESS

Wednesday, January 26, 2011, 12:00 PM House Hearing Room 7.

Executive Session may be held.

Brad Jones (NFIB) will be bringing individuals from Missouri small business community and hearing will be held for informational purposes.

URBAN ISSUES

Monday, January 24, 2011, House Hearing Room 5, 5:00 PM or upon afternoon adjournment.

Public hearing to be held on: HB 71

Executive Session may be held.

CANCELLED

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, January 24, 2011, 12:00 PM House Hearing Room 6.

Public hearing to be held on: HB 163

Executive Session may be held.

HOUSE CALENDAR

TENTH DAY, MONDAY, JANUARY 24, 2011

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 18

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 11 and HJR 12

HOUSE BILLS FOR SECOND READING

HB 263 through HB 284

HOUSE BILLS FOR PERFECTION

HCS HBs 73 & 47 - Brandom