

# JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

THIRTY-EIGHTH DAY, MONDAY, MARCH 14, 2011

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Pastor Paul Meinsen.

The songwriter reminds us that *Great are the works of the LORD; They are studied by all who delight in them. Splendid and majestic is His work, and His righteousness endures forever. He has made His wonders to be remembered; the LORD is gracious and compassionate. (Psalm 111:2-4)*

O Lord, we pray today that in Your wisdom and goodness that You will raise up for us...

...people like Queen Esther, who understood that her appointment was in accordance to Your will and thus brought great responsibility;

...people like Daniel, who as counselor of the king, spoke truth to him even though it was contrary to the king's desires;

...people like King David, who was a man after Your own heart;

...people like King Solomon, who desired wisdom to lead over Your people;

...people like King Manasseh, who, in spite of his sin, repented of his sins and found Your amazing grace;

...people like Samuel the prophet, who warned the people about having a dependence upon their leaders instead of upon You;

...people like King Josiah, who did what was right in Your eyes and led the nation in following after the things which please You;

...people like the three Hebrew boys, counselors of the king, who feared God more than they feared the king.

May we all learn to fear You and You alone. Draw each one unto Yourself.

We call upon You in this prayer. Please answer and be glorified. For You are good and Your love endures forever.

To the honor 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 thirty-seventh day was approved as printed.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1138 through House Resolution No. 1173

**HOUSE CONCURRENT RESOLUTION**

Representative Kelley (126), et al., offered House Concurrent Resolution No. 47.

**SECOND READING OF HOUSE BILLS**

**HB 828** through **HB 848** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 61, SB 63, SS SCS SBs 113 & 95, SS SB 135, SCS SB 188, SB 207, SCS SB 219, and SB 284** were read the second time.

**PERFECTION OF HOUSE BILL**

**HCS HB 213, as amended, with House Amendment No. 3, pending**, relating to abortions, was taken up by Representative Jones (89).

**House Amendment No. 3** was withdrawn.

Representative Riddle moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Diehl	Dugger	Elmer	Entlicher
Faith	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McNary	Molendorp	Nance
Neth	Parkinson	Phillips	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schneider	Schoeller	Shumake	Silvey	Smith 150

Solon	Stream	Torpey	Wallingford	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 053

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Hodges	Holsman
Hubbard	Hughes	Hummel	Jones 63	Kander
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McDonald	McGeoghegan	McManus	McNeil
Meadows	Montecillo	Nasheed	Newman	Nichols
Oxford	Pace	Peters-Baker	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Spreng	Still	Swearingen	Swinger	Talboy
Taylor	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 007

Burlison	Dieckhaus	Nolte	Smith 71	Thomson
Webb	Zimmerman			

VACANCIES: 001

On motion of Representative Jones (89), **HCS HB 213, as amended**, was adopted by the following vote:

AYES: 120

Allen	Anders	Asbury	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandon
Brattin	Brown 85	Brown 116	Casey	Cauthorn
Cierpiot	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	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	Hoskins	Hough	Houghton	Hummel
Johnson	Jones 89	Jones 117	Keeney	Kelley 126
Klippenstein	Koenig	Korman	Kratky	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McManus	McNary	Meadows
Molendorp	Nance	Nasheed	Neth	Parkinson
Phillips	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Shively	Shumake	Silvey
Smith 150	Solon	Stream	Swinger	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 037

Atkins	Brown 50	Carlson	Carter	Colona
Ellinger	Holsman	Hubbard	Hughes	Jones 63
Kander	Kelly 24	Kirkton	Lampe	May
McCann Beatty	McDonald	McGeoghegan	McNeil	Montecillo
Newman	Nichols	Oxford	Pace	Peters-Baker
Pierson	Rizzo	Schupp	Sifton	Spreng
Still	Swearingen	Talboy	Taylor	Walton Gray
Webber	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

Burlison	Dieckhaus	Nolte	Smith 71	Webb
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VACANCIES: 001

On motion of Representative Jones (89), **HCS HB 213, as amended**, was ordered perfected and printed.

Speaker Tilley assumed the Chair.

### PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 6**, relating to the right to vote by secret ballot, was taken up by Representative Cierpiot.

On motion of Representative Cierpiot, **HJR 6** was ordered perfected and printed by the following vote:

AYES: 101

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Diehl	Dugger	Elmer	Entlicher
Faith	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McNary	Molendorp	Nance
Neth	Parkinson	Phillips	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schneider	Schoeller	Shumake	Smith 150	Solon
Stream	Thomson	Torpey	Wallingford	Wells
Weter	White	Wieland	Wright	Wyatt
Mr Speaker				

NOES: 057

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Hodges	Holsman
Hubbard	Hughes	Hummel	Jones 63	Kander
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McDonald	McGeoghegan	McManus	McNeil
Meadows	Montecillo	Nasheed	Newman	Nichols
Oxford	Pace	Peters-Baker	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Silvey	Smith 71	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Walton Gray	Webber
Zerr	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 004

Burlison	Dieckhaus	Nolte	Webb
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VACANCIES: 001

### PERFECTION OF HOUSE BILLS

**HCS HB 29**, relating to the Volunteer Health Services Act, was taken up by Representative Sater.

On motion of Representative Sater, **HCS HB 29** was adopted.

On motion of Representative Sater, **HCS HB 29** was ordered perfected and printed.

**HCS HB 89**, relating to funding for natural resources, was taken up by Representative Pollock.

Representative Ruzicka offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 89, Page 2, Section 253.090, Line 18, by inserting immediately after the number “2.” the following:

**“Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. 3.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly (24) offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 89, Page 1, Line 3, by deleting on Line 3 the word "Remaining"; and

Further amend said bill by deleting all of Lines 4 and 5; and

Further amend said bill by adding the following:

"Received from the Taum Sauk Settlement Fund".

Representative Kelly (24) moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Ruzicka, **House Amendment No. 1** was adopted.

On motion of Representative Pollock, **HCS HB 89, as amended**, was adopted.

On motion of Representative Pollock, **HCS HB 89, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 213** - Fiscal Review (Fiscal Note)

**HB 748** - General Laws

### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SS SCS SBs 113 & 95** - Agriculture Policy

## COMMITTEE REPORTS

**Committee on Tourism and Natural Resources**, Chairman Ruzicka reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 192**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 401**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 423**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 475**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 546**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 731**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## ADVANCEMENT OF HOUSE CONSENT BILLS

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 229**, **HB 282**, **HCS HB 315**, **HB 358**, **HB 360**, **HCS HB 459**, and **HCS HB 465**.

## INTRODUCTION OF HOUSE BILLS

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

**HB 849**, introduced by Representative Cookson, relating to the school calendar.

**HB 850**, introduced by Representatives Diehl and Richardson, relating to the Missouri cooperative associations act.

**HB 851**, introduced by Representatives Cross, Riddle, Lichtenegger, Richardson, Zerr, Nance, Lauer, Brown (116), McCaherty, Black, Jones (63), Nasheed, Allen, Schneider, Long, Houghton, Fitzwater and McNeil, relating to tanning facilities.

**HB 852**, introduced by Representatives Fitzwater and Hampton, relating to a special license plate.

**HB 853**, introduced by Representatives Nance and Nolte, relating to a sales tax for community centers.

**HB 854**, introduced by Representatives McGeoghegan, Hummel, Colona, Rizzo, McCann Beatty, Oxford, Anders, Walton Gray, Black, Schupp, Smith (71), Hodges, Kratky, Fallert, Quinn, Meadows, Kelly (24), Aull, Atkins, Schieffer, Shively, Talboy, Swinger, Kirkton, Casey, McDonald, Conway (27), Carter, Ellinger, McNeil, Pace, Jones (63), Brown (50), Montecillo, Sifton, Lasater and Lant, relating to an emergency contact database.

**HB 855**, introduced by Representative Johnson, relating to establishment of the parents as teachers advancement fund.

**HB 856**, introduced by Representatives Dugger, Pollock, Entlicher, Diehl, Schoeller, Smith (150), Curtman, Funderburk, Jones (89), Allen, Cauthorn, Koenig, Houghton, Wells, Franz, Fraker, Cox, Crawford and Lichtenegger, relating to initiative and referendum petitions.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Tuesday, March 15, 2011.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Tuesday, March 15, 2011, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 653, HB 746

Executive session may be held on any matter referred to the committee.

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, March 16, 2011, 6:00 PM

Dinner at 2125 Missouri Blvd., Jefferson City, MO.

#### **BUDGET**

Tuesday, March 15, 2011, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Bills to be considered: HCS House Bills 1 through 13.

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Bills to be considered: HCS House Bills 1 through 13.

#### **CHILDREN AND FAMILIES**

Wednesday, March 16, 2011, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 749, HB 755, HB 795

Executive session may be held on any matter referred to the committee.

**CORRECTIONS**

Wednesday, March 16, 2011, 5:00 PM House Hearing Room 1.  
Public hearing will be held: HB 538, HB 539  
Executive session may be held on any matter referred to the committee.  
AMENDED

**CRIME PREVENTION AND PUBLIC SAFETY**

Wednesday, March 16, 2011, 12:00 PM House Hearing Room 4.  
Public hearing will be held: HB 691, HB 692, HB 693  
Executive session may be held on any matter referred to the committee.

**DOWNSIZING STATE GOVERNMENT**

Wednesday, March 16, 2011, South Gallery upon afternoon adjournment.  
Executive session will be held: HB 657, HB 697

**ECONOMIC DEVELOPMENT**

Tuesday, March 15, 2011, 5:00 PM House Hearing Room 7.  
Public hearing will be held: HB 536, HB 783, HB 671, HB 734  
Executive session may be held on any matter referred to the committee.

**ELECTIONS**

Tuesday, March 15, 2011, 8:15 AM House Hearing Room 5.  
Public hearing will be held: HJR 33, HB 72, HB 39  
Executive session may be held on any matter referred to the committee.

**ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 16, 2011, 8:00 AM House Hearing Room 6.  
Public hearing will be held: HB 463  
Executive session may be held on any matter referred to the committee.

**FISCAL REVIEW**

Tuesday, March 15, 2011, 9:00 AM South Gallery.  
Executive session may be held on any matter referred to the committee.  
All bills referred to the committee.

**FISCAL REVIEW**

Wednesday, March 16, 2011, House Hearing Room 7, 4:00 PM or upon afternoon adjournment.  
Executive session may be held on any matter referred to the committee.  
All bills referred to the committee.

**GENERAL LAWS**

Tuesday, March 15, 2011, 12:00 PM House Hearing Room 4.  
Public hearing will be held: HCR 42, HJR 26  
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 16, 2011, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 580, HB 392, HCR 37, HB 418, HB 579

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, March 15, 2011, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 528, HB 666, HB 676, HB 318, HB 552, HB 669

Executive session will be held: HB 270

Executive session may be held on any matter referred to the committee.

HB 270 Reconsider for Consent.

AMENDED

LOCAL GOVERNMENT

Wednesday, March 16, 2011, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 447, HB 647

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, March 15, 2011, South Gallery, 5:00 PM or upon evening adjournment.

Executive session may be held on any matter referred to the committee.

Executive session.

CORRECTED

RETIREMENT

Thursday, March 17, 2011, 9:00 AM House Hearing Room 1.

Public hearing will be held: HB 776

Executive session will be held: HB 664

Executive session may be held on any matter referred to the committee.

RULES

Wednesday, March 16, 2011, 6:30 PM 516 S. Country Club Drive, Jefferson City, MO.

Rules Committee Dinner.

RURAL COMMUNITY DEVELOPMENT

Tuesday, March 15, 2011, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 742

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON RENEWABLE ENERGY

Tuesday, March 15, 2011, 5:00 PM House Hearing Room 6.

Public hearing will be held: HB 267

Executive session will be held: HB 613

Executive session may be held on any matter referred to the committee.

AMENDED

**TAX REFORM**

Wednesday, March 16, 2011, 8:00 AM House Hearing Room 5.  
Public hearing will be held: HB 520, HB 581  
Executive session will be held: HB 36, HB 335, HB 425, HB 740  
Executive session may be held on any matter referred to the committee.

**TRANSPORTATION**

Tuesday, March 15, 2011, 12:00 PM House Hearing Room 7.  
Public hearing will be held: HB 689, HB 684, HB 798, HB 812, HB 813, HB 825, HB 527, HB 735  
Executive session may be held on any matter referred to the committee.

**TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS**

Tuesday, March 15, 2011, South Gallery, upon morning adjournment or recess.  
Executive session may be held on any matter referred to the committee.

**UTILITIES**

Tuesday, March 15, 2011, 12:00 PM House Hearing Room 1.  
Public hearing will be held: HB 210, HB 711  
Executive session may be held on any matter referred to the committee.

**VETERANS**

Tuesday, March 15, 2011, 8:30 AM House Hearing Room 1.  
Public hearing will be held: HB 673, HJR 30  
Executive session may be held on any matter referred to the committee.  
AMENDED

**HOUSE CALENDAR**

THIRTY-NINTH DAY, TUESDAY, MARCH 15, 2011

**HOUSE BILLS FOR SECOND READING**

HB 849 through HB 856

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 14 - Cox
- 2 HJR 29 - Solon

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 329 - Diehl
- 2 HCS HB 131 - Cox
- 3 HB 434 - Nolte
- 4 HB 252 - Cox
- 5 HCS HBs 294, 123, 125, 113, 271 & 215 - Riddle
- 6 HB 361 - Leara

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- 7 HCS HBs 411 & 421 - Wyatt
- 8 HCS HB 431 - Franz
- 9 HB 423 - Burlison
- 10 HCS HB 475 - Funderburk
- 11 HCS HB 546 - Diehl
- 12 HB 731 - Parkinson

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(3/10/2011)

- 1 HCS HB 38 - Pace
- 2 HB 68 - Scharnhorst
- 3 HB 98 - Ruzicka
- 4 HB 118 - Peters-Baker
- 5 HB 183 - Silvey
- 6 HCS HBs 187 & 54 - Conway (27)
- 7 HB 263 - Weter
- 8 HCS HB 287 - Brandom
- 9 HB 340 - Klippenstein
- 10 HCS HB 344 - Guernsey
- 11 HB 462 - Pollock
- 12 HB 503 - Dugger
- 13 HCS HB 578 - Thomson

### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

- 1 HCR 9, (2-1-11, Page 277) - Barnes
- 2 HCR 19, (2-17-11, Pages 392-393) - Gatschenberger

### **HOUSE BILLS FOR THIRD READING**

HCS HB 213, (Fiscal Review 3-14-11) - Jones (89)

### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HCS HB 83 - Nolte
- 2 HB 109, E.C. - Wells
- 3 HB 127 - Barnes
- 4 HB 137 - Thomson
- 5 HB 142 - Gatschenberger
- 6 HB 149 - Day
- 7 HB 151 - Kelly (24)
- 8 HB 153 - Black
- 9 HB 171 - Ruzicka
- 10 HB 184 - Dugger
- 11 HB 186 - Entlicher

- 12 HB 189 - Ruzicka
- 13 HB 190 - Ruzicka
- 14 HB 204 - Hoskins
- 15 HB 217 - Dugger
- 16 HCS HB 250 - Cox
- 17 HCS HB 338 - Pollock
- 18 HCS HB 363 - Colona
- 19 HB 415 - Richardson
- 20 HB 442 - Franz
- 21 HB 229 - Leara
- 22 HB 282 - Franz
- 23 HCS HB 315 - McNary
- 24 HB 358 - Leara
- 25 HB 360 - Leara
- 26 HCS HB 459 - Denison
- 27 HCS HB 465 - Wells

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 7, (2-23-11, Pages 436-437) - Walton Gray
- 2 HCR 11, (2-28-11, Pages 472-473) - Nolte
- 3 HCR 33, (3-1-11, Pages 486-487) - Davis