

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

FIFTY-NINTH DAY, THURSDAY, APRIL 21, 2011

The House met pursuant to adjournment.

Representative Schad in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

You are the light of the world. (Matthew 5:14)

Eternal God, spirit of light and life, in this day, in this world of sometime suffering and sorrow we would purify our hearts as we face the unique responsibilities and demands committed to our care and to our attention this day. Let our littleness be swallowed up in Your greatness, our pettiness in Your pursuing presence, and our trite criticisms in Your triumphant spirit.

Before the altar of prayer we bow, confessing our faults, asking Your forgiveness, and praying that You will give us strength and wisdom that in these days we fail neither our citizens nor You. And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2428 through House Resolution No. 2537

RECESS

Representative Jones (89) moved that the House stand in recess until the Conference Committee Report on **SS HCS HB 193** has been distributed or until 11:00 p.m., whichever comes first, and then stand adjourned until 10:00 a.m., Friday, April 22, 2011.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS SB 118 - Health Care Policy

SS SB 360 - Rural Community Development

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Stream reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 473** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Crime Prevention and Public Safety, Chairman Schad reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 999**, 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.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SB 250**, 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 International Trade and Job Creation, Chairman Nolte reporting:

Mr. Speaker: Your Committee on International Trade and Job Creation, to which was referred **HB 707**, 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 Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was returned **SB 96**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was returned **SB 97**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 117**, 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 Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 59**, 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.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 60**, 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.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SB 70**, 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.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 116**, 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.

Committee on Utilities, Chairman Pollock reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HCR 48**, 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. 48

WHEREAS, the United States and the world find themselves dependent upon China for a group of minerals and metals known as "Rare Earth Elements" that are critical to many commercial, environmental, and defense applications; and

WHEREAS, rare earth elements represent the only known bridge to the next level of improved performance in the material properties for many metallurgical alloys, electrical conductivity, radio active shielding, and instrument sensitivity; and

WHEREAS, thorium is a naturally occurring companion element to the rare earth elements which can be extracted as a byproduct of rare earth mining at no additional expense and without creating additional mining waste; and

WHEREAS, thorium can be used as fuel in a nuclear power plant because it is a slightly radioactive metal and is 550 times more abundant than Uranium 235 needed for nuclear power; and

WHEREAS, thorium is generally considered harmless except through extreme long-term exposure or unless it is inhaled as a very fine dust; and

WHEREAS, thorium emits alpha rays which have no penetrating strength and cannot pass through human skin or thin plastic film; and

WHEREAS, thorium emits less radiation than sun light, radon from a gas stove top, potassium in a banana, X-rays, frequent air travel, and TSA full body scans; and

WHEREAS, the United States has two permitted world class rare earth mines - the Pea Ridge Mine in Washington County, Missouri, and the Mountain Pass Mine in California; and

WHEREAS, Missouri's Pea Ridge Mine has all 17 of the recoverable rare earth elements and is the only permitted heavy rare earth mine outside of China. The Mountain Pass Mine only has 8 of the 17 recoverable rare earth elements and cannot produce rare earths; and

WHEREAS, the United States has no refining facilities to process the rare earths from the Pea Ridge Mine or manage the thorium byproduct; and

WHEREAS, a thorium-fueled nuclear reactor generates hundreds of times the power as a uranium or coal plant, but produces essentially no waste. A thorium plant would produce less than 1% of the waste that a uranium plant produces and produces no carbon or greenhouse gases, unlike coal plants; and

WHEREAS, while the waste of a uranium power plant is toxic for more than 10,000 years, the little waste that is produced by a thorium power plant is benign in less than 200 years; and

WHEREAS, a thorium power plant can be used to burn our current stockpile of nuclear waste. In addition, thorium power plants cannot "melt down", thorium cannot practically be used to make nuclear weapons, thorium does not require any enrichment for energy use, and there is enough thorium in the United States alone to power the country at its current energy level for more than 10,000 years; and

WHEREAS, a thorium power plant can tap right in at the source of a current coal or uranium power plant without the need for laying a new grid; and

WHEREAS, through the development of a centralized rare earth-thorium facility, all thorium waste products can be managed and controlled in an environmentally safe manner; and

WHEREAS, China's monopoly on production of rare earth elements is posed to capture emerging technologies and manufacturing facilities from around the world, in exchange for supply contracts; and

WHEREAS, absent any new production, Asia will soon consume 100% of the world's production of rare earth elements; and

WHEREAS, China's National Industrial Policy of Rare Earth Dominance cannot be challenged by private investment. The United States must develop a National Domestic Rare Earth Refinery to survive; and

WHEREAS, unless the United States Congress makes changes, our rare earths will be sent to China for processing and they will not come back for use in the United States; and

WHEREAS, with its Pea Ridge Mine, Missouri can become the exclusive producer of heavy rare earths in the United States and attract new high tech companies from around the world:

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:

(1) Strongly support the development of thorium energy and the Pea Ridge Mine in Washington County, Missouri, in its efforts to extract thorium as a byproduct of rare earth element mining; and

(2) Strongly urge the United States Congress to support the use of thorium as a safe, efficient fuel source by taking the necessary steps to allow the Pea Ridge Mine in Missouri to extract thorium as a byproduct of rare earth elements mining and for the development of the refineries necessary to support thorium power plants; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Congress and each member of the Missouri Congressional delegation.

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 63**, 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 Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 979** and **HB 885**, 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.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCR 11**, entitled:

Relating to the recognition of every third week in June a Diabetic Peripheral Neuropathy Week.

SENATE CONCURRENT RESOLUTION NO. 11

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week

WHEREAS, Diabetic Peripheral Neuropathy (DPN) is a serious condition that results from damage to nerves due to prolonged exposure to high amounts of glucose in the bloodstream as a result of diabetes; and

WHEREAS, more than half of all diabetics suffer from DPN, and the areas of the body most commonly affected by DPN are the feet and legs; and

WHEREAS, nerve damage in the feet can result in the loss of foot sensation, increasing risk of foot problems and which manifests itself in intense pain often described as aching, tingling, burning, and numbness; and

WHEREAS, in 2009, 364,000 Missourians were diagnosed with diabetes; and

WHEREAS, DPN is the leading cause of amputations, and as many as 40 to 60 percent of lower extremity amputations are due to severe forms of DPN; and

WHEREAS, DPN is preventable only to the extent that the underlying cause is preventable, requiring the individual patient's alert awareness of bodily deficiency, illness, infection or injury that can cause DPN, and the individual's willingness to seek early diagnosis and treatment; and

WHEREAS, it is absolutely fitting and proper to designate a special week to raise public awareness of DPN and its symptoms:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the third week of June of each year as Diabetic Peripheral Neuropathy (DPN) Week in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate and the House of Representatives encourage citizens throughout Missouri to observe this week by raising public awareness regarding the symptoms and treatment of this painful and dangerous neuropathy; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SJR 10**, entitled:

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to members of the House of Representatives.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 48**, entitled:

An act to amend chapter 393, RSMo, by adding thereto one new section relating to deposits required by public utilities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 270**, entitled:

An act to repeal section 115.123, RSMo, and to enact in lieu thereof one new section relating to dates for conducting elections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SB 320**, entitled:

An act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to domestic violence, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 340**, entitled:

An act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456, RSMo, and to enact in lieu thereof thirteen new sections relating to the board of embalmers and funeral directors.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Allen, Anders, Asbury, Atkins, Aull, Bahr, Barnes, Bernskoetter, Berry, Black, Brandom, Brattin, Brown (50), Brown (85), Brown (116), Burlison, Carlson, Carter, Casey, Cauthorn, Cierpiot, Colona, Conway (14), Conway (27), Cookson, Cox, Crawford, Cross, Curtman, Davis, Day, Denison, Dieckhaus, Diehl, Dugger, Elmer, Entlicher, Fallert, Fisher, Fitzwater, Flanigan, Fraker, Franklin, Franz, Frederick, Fuhr, Funderburk, Gatschenberger, Gosen, Grisamore, Guernsey, Haefner, Hampton, Harris, Higdon, Hinson, Hodges, Holsman, Hough, Houghton, Hubbard, Hughes, Hummel, Johnson, Jones (63), Jones (117), Keeney, Kelley (126), Kelly (24), Kirkton, Klippenstein, Koenig, Korman, Kratky, Lair, Lampe, Lant, Lasater, Lauer, Leach, Leara, Lichtenegger, Loehner, Long, Marshall, McCaherty, McCann Beatty, McDonald, McGeoghegan, McGhee, McManus, McNary, Meadows, Molendorp, Montecillo, Nance, Nasheed, Newman, Nolte, Oxford, Pace, Parkinson, Peters-Baker, Phillips, Pierson, Pollock, Quinn, Redmon, Reiboldt, Richardson, Riddle, Rizzo, Rowland, Ruzicka, Sater, Scharnhorst, Schatz, Schieber, Schieffer, Schneider, Schoeller, Schupp, Shively, Shumake, Sifton, Silvey, Smith (71), Smith (150), Solon, Spreng, Still, Stream, Swearingen, Swinger, Talboy, Taylor, Thomson, Torpey, Wallingford, Walton Gray, Webb, Webber, Wells, Weter, White, Wieland, Wright and Zerr.

ADJOURNMENT

Pursuant to the motion of Representative Jones (89), the House adjourned until 10:00 a.m., Friday, April 22, 2011.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Tuesday, April 26, 2011, 12:00 PM House Hearing Room 6.

Executive session will be held: SCS SB 356

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

We will also have a presentation by Farm Credit Services.

CHILDREN AND FAMILIES

Wednesday, April 27, 2011, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 771

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

FISCAL REVIEW

Tuesday, April 26, 2011, 12:00 PM House Hearing Room 3.

Executive session will be held: HCS HBs 600, 337 & 413, HCS HB 579, HCS HB 366

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

Any bills referred to the committee

GENERAL LAWS

Tuesday, April 26, 2011, 12:00 PM House Hearing Room 4.

Public hearing will be held: SCS SB 300

Executive session will be held: SCS SB 300

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

HEALTH CARE POLICY

Wednesday, April 27, 2011, House Hearing Room 6 upon morning recess.

Public hearing will be held: SS SB 118, HB 821

Executive session will be held: SS SCS SB 65, SCS SB 177, HR 1826

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Wednesday, April 27, 2011, 9:45 AM Bingham Gallery.

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

I. Election of chair and vice chair

II. Other business coming before the committee

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 28, 2011, 9:00 AM House Hearing Room 1.

2nd Quarter Meeting

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Tuesday, April 26, 2011, 11:00 AM House Hearing Room 7.

Highway namings

License plates

Director of MoDOT Kevin Keith

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

Friday, April 22, 2011, House Hearing Room 7 upon morning adjournment.

Executive session will be held: HCS HB 403, HB 658, HCS HBs 504, 505 & 874,

HCS HB 889, HCS SS#2 SCS SB 8, SS SB 55, HCS SS SCS SB 58, HCS SCS SB 366

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

TAX REFORM

Wednesday, April 27, 2011, 9:00 AM House Hearing Room 5.

Public hearing will be held: HB 968

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

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Thursday, April 28, 2011, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 819, HB 1009

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

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Tuesday, April 26, 2011, 10:00 AM House Hearing Room 6.

Public hearing will be held: HB 349, SS SB 202

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

HOUSE CALENDAR

SIXTIETH DAY, FRIDAY, APRIL 22, 2011

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 14 - Cox
- 2 HCS HJR 8, as amended - Koenig
- 3 HJR 15 - Ruzicka
- 4 HCS HJR 16 - Dugger
- 5 HJR 27 - Brattin

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 17 - Silvey
- 2 HCS HB 18 - Silvey
- 3 HCS HB 21 - Silvey
- 4 HCS HB 22 - Silvey

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 329 - Diehl
- 2 HCS HB 131, as amended - Cox
- 3 HCS HB 100 - Loehner
- 4 HB 490 - Diehl
- 5 HCS HB 401 - Diehl
- 6 HB 655 - Lampe
- 7 HCS HB 657 - Allen
- 8 HCS HB 121 - Dugger
- 9 HCS HBs 303 & 239 - Davis
- 10 HCS HB 643 - May
- 11 HCS HB 773 - Gosen
- 12 HB 138 - Thomson
- 13 HB 491 - Diehl
- 14 HB 364 - Parkinson
- 15 HCS HB 742 - Wyatt
- 16 HCS HB 787 - Wells
- 17 HCS HB 212 - Thomson
- 18 HCS HB 552 - Molendorp
- 19 HCS HB 597 - Pollock
- 20 HCS HB 613 - Holsman
- 21 HB 686 - Richardson
- 22 HCS HB 688 - Pollock
- 23 HCS HB 716 - Wyatt
- 24 HCS HB 732 - Brandom

1436 *Journal of the House*

- 25 HB 741 - Bernskoetter
- 26 HCS HB 811 - Talboy
- 27 HCS HB 893 - Richardson
- 28 HB 924 - Nolte

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING - INFORMAL

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

HOUSE BILLS FOR THIRD READING

- 1 HB 305, with E.C. pending - Gatschenberger
- 2 HCS HB 562 - Grisamore
- 3 HCS HB 664 - Leara
- 4 HCS HB 473 - Jones (63)
- 5 HCS HB 579, (Fiscal Review 4-20-11), E.C. - Frederick
- 6 HB 466 - Schoeller
- 7 HCS HB 366, (Fiscal Review 4-20-11) - Silvey
- 8 HCS HBs 600, 337 & 413, (Fiscal Review 4-20-11) - Schad
- 9 HCS HB 161 - Cox
- 10 HCS HB 523 - Molendorp

SENATE CONCURRENT RESOLUTIONS FOR SECOND READING

SCR 11

SENATE JOINT RESOLUTIONS FOR SECOND READING

SJR 10

SENATE BILLS FOR SECOND READING

- 1 SB 48
- 2 SCS SB 270
- 3 SS#2 SCS SB 320
- 4 SCS SB 340

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 32, (4-13-11, Pages 1267-1268) - Bernskoetter
- 2 HCR 38, (4-12-11, Page 1236) - Cierpiot
- 3 HCR 46, (4-14-11, Pages 1293-1294) - Nolte

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 68, E.C. - Diehl
- 2 HCS SB 161 - Guernsey

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS SCS HCS HB 45, as amended - Hoskins
- 2 SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 - Brown (85)
- 3 HCS HB 108, SCA 1 and SA 1 - Smith (150)
- 4 SCS HB 307 & HB 812 - Gatschenberger
- 5 SCS HB 388 - Burlison
- 6 SCS HCS HB 631 - Grisamore
- 7 SCS HCS HB 2 - Silvey
- 8 SCS HCS HB 3 - Silvey
- 9 SCS HCS HB 4 - Silvey
- 10 SCS HCS HB 5 - Silvey
- 11 SCS HCS HB 6 - Silvey
- 12 SCS HCS HB 7, as amended - Silvey
- 13 SCS HCS HB 8 - Silvey
- 14 SCS HCS HB 9 - Silvey
- 15 SCS HCS HB 10 - Silvey
- 16 SCS HCS HB 11 - Silvey
- 17 SCS HCS HB 12 - Silvey
- 18 SCS HCS HB 13 - Silvey

BILLS IN CONFERENCE

- SS HCS HB 193 - Diehl