

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

FIFTEENTH DAY, TUESDAY, JANUARY 31, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*Peace I leave with you, My peace I give unto you. Let not your heart be troubled. (John 14:27)*

Eternal God, from the shifting scenes of our earthly life we pause to lift our hearts in prayer to You - Who are from everlasting to everlasting. From daily duties which consume so much of our strength, from meetings and schedules which take up so much of our time, we would for this fleeting moment raise our eyes of our hearts to heaven and gaze upon Your face.

In all anxious moments grant unto us the assurance that You are with us; that behind every shadow stands Your presence; within every situation abides Your Spirit and beneath every experience are Your everlasting arms. Breathe Your Holy Spirit upon us, upon our people and upon our state.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

AYES: 153

Allen	Anders	Asbury	Aull	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
Dugger	Ellington	Elmer	Entlicher	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franz
Frederick	Fuhr	Funderburk	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	Kelly 24	Kirkton	Klippenstein	Koenig
Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McCann Beatty
McCreery	McDonald	McGeoghegan	McGhee	McManus
McNary	McNeil	Meadows	Molendorp	Montecillo
Morgan	Nance	Nasheed	Neth	Newman

Nichols	Nolte	Pace	Parkinson	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	Sommer	Spreng	Still	Stream
Swearingen	Swinger	Talboy	Taylor	Thomson
Torpey	Wallingford	Walton Gray	Webb	Webber
Wells	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 002

Atkins                      Oxford

PRESENT: 000

ABSENT WITH LEAVE: 008

Bahr	Barnes	Diehl	Ellinger	Franklin
Hughes	Korman	May		

## **HOUSE RESOLUTION**

Representative Cierpiot offered House Resolution No. 491.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 440 through House Resolution No. 490  
House Resolution No. 492 through House Resolution No. 496

## **HOUSE CONCURRENT RESOLUTION**

Representative Oxford, et al., offered House Concurrent Resolution No. 26.

## **SECOND READING OF HOUSE BILLS**

**HB 1560** through **HB 1564** were read the second time.

## **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 9** - Financial Institutions

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1257** - Higher Education

**HB 1303** - Veterans

**HB 1304** - Special Standing Committee on Government Oversight and Accountability

**HB 1309** - Financial Institutions

**HB 1488** - Utilities

## REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

**SS SCS SB 443** - Transportation

## COMMITTEE REPORTS

**Committee on Budget**, Chairman Silvey reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCR 3**, 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.

### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 3

Relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

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

WHEREAS, under Article V of the Constitution of the United States:

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress"; and

WHEREAS, the following Amendment to the United States Constitution is proposed:

"Section 1. The annual expenditures of the Congress shall not exceed the annual revenue for any year, save for the use of monetary reserves, except as provided for in Sections 2 and 3.

Section 2. The Congress shall not borrow from any source, including its own funds and trusts, for any expense, except for the extraordinary costs of a declared war or armed conflict, or for a fiscal emergency declared by Congress and signed by the President of the United States.

Section 3. The Congress may issue special bonds for specific capital projects, which shall, in turn, be extinguished within twenty years of issuance. The cumulative total of all bonds issued in this manner shall never exceed twenty percent of the total private sector earned income.

Section 4. This amendment shall take effect beginning the fifteenth fiscal year after its ratification.

Section 5. This resolution shall not be construed as an application for a constitutional convention to the United States Constitution pursuant to Article V thereof.":

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby submit this resolution for a federal balanced budget Amendment to the United States Constitution and, pursuant to Article V of the United States Constitution, respectfully urge the United States Congress to submit the proposed Amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution; and

BE IT 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 Senate and House of Representatives, and each member of the Missouri Congressional delegation.

**Committee on Elections, Chairman Dugger reporting:**

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1250**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rural Community Development, Chairman Weter reporting:**

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1179**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**INTRODUCTION OF HOUSE BILLS**

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

**HB 1565**, introduced by Representatives Cauthorn, Lant, Reiboldt and Frederick, relating to the reporting of child abuse and neglect.

**HB 1566**, introduced by Representatives Nichols, White, Davis, Taylor and McCreery, relating to home exterior contractors.

**HB 1567**, introduced by Representatives Nichols, Spreng, Taylor and McCreery, relating to the purchase of catalytic converters.

**HB 1568**, introduced by Representatives McManus, Hummel, Newman, Torpey, Colona, Grisamore, Swearingen, Solon, Talboy, Morgan, Holsman, Largent, McDonald, Kratky, Ellinger and McGeoghegan, relating to the safe place for newborns act.

**HB 1569**, introduced by Representatives Funderburk, White and McCaherty, relating to sales and use taxes.

**HB 1570**, introduced by Representatives Oxford, Pace, Morgan, Walton Gray, McCreery, Jones (63), Spreng, Atkins, Still, Holsman, Nasheed, Smith (71), Brown (50), Pierson, McNeil, McDonald, May, Swearingen, Kirkton, Ellinger, Taylor, Carlson, Schupp, Hughes, Talboy, Lampe and Fallert, relating to the quality early childhood act.

**HB 1571**, introduced by Representatives Oxford, Atkins, Pace, Walton Gray, McCreery, Holsman, Casey, May, Carter, Hughes, and Talboy, relating to job growth.

**HB 1572**, introduced by Representatives Weter, Lant, Schneider, Zerr, Reiboldt, Schupp, McDonald, Kratky, Atkins, Meadows, Lampe, Schieffer, McNeil, Hampton, Fitzwater, Cross, McNary, Wallingford, Lasater, Redmon, Grisamore, Phillips, Scharnhorst, Wyatt, Stream, Lair, Hinson and Johnson, relating to school bullying.

**HB 1573**, introduced by Representatives Schneider, Jones (89), Talboy, Weter, Franklin, Cauthorn, Diehl, Hough, Franz, Hummel and Nasheed, relating to political subdivisions.

**HB 1574**, introduced by Representatives Meadows and Ellinger, relating to driver's license veteran designations.

**HB 1575**, introduced by Representative Guernsey, relating to the designation of a memorial highway.

**HB 1576**, introduced by Representatives Largent, Torpey, Lampe, Oxford, Stream and Long, relating to the purchase of state health insurance by certain foster parents.

**HB 1577**, introduced by Representatives Largent, Kirkton, Taylor, Torpey, Lampe, Oxford, Stream, Long and Burlison, relating to foster care students.

**HB 1578**, introduced by Representatives Largent, Torpey, Stream, Long and Burlison, relating to exemptions from income tax.

**HB 1579**, introduced by Representatives Davis, White, Brattin, Brown (116), Fisher, Schatz, Leach, Wells, Kelley (126) and Reiboldt, relating to educational credits for veterans.

**HB 1580**, introduced by Representatives Hodges, Conway (27), Shively, Fallert, Schieffer, Rizzo, Quinn, Harris, Meadows, Schupp, Kratky, McDonald, Aull, Colona and Smith (71), relating to insurance coverage for treatment of infertility.

**HB 1581**, introduced by Representatives Hodges, Schieffer, Shively, Fallert, Rizzo, Meadows, Aull, Hubbard, Pace, Denison and Colona, relating to prescription drug insurance coverage.

**HB 1582**, introduced by Representatives Hodges, Schieffer, Rizzo, Fallert, Lampe, McNeil, Meadows, Conway (27), McDonald, Casey, Quinn, Colona, Swinger, Aull, McManus, Smith (71), Guernsey, McGeoghegan, Swearingen, Newman, Dugger, Harris, Ellington, Lair, Wright, Fisher, Weter, Pollock and Nance, relating to vacancies in office.

**HB 1583**, introduced by Representatives Carter, Jones (63), Colona, Cox, McCann Beatty and Webb, relating to juvenile court jurisdiction.

**HB 1584**, introduced by Representatives Carter, Webb, Lasater, Hummel, Colona, Ellinger, Walton Gray, Fraker, Fitzwater and Hughes, relating to motor carrier exemptions.

**HB 1585**, introduced by Representatives Cross, Schoeller, Fraker, Houghton, Jones (117), Davis, Schneider, Schatz, Fitzwater, Shumake, Hampton, Weter, Lant, Molendorp, Sater, Lauer, Jones (89), Riddle, Redmon, Koenig, Anders, Conway (14), Brown (116), Gatschenberger, Berry, Bandom, Smith (150), McCaherty, Funderburk and Richardson, relating to landlords-tenants actions.

**HB 1586**, introduced by Representatives White, Davis, Kelley (126) and Weter, relating to sales taxes for public libraries.

**HB 1587**, introduced by Representatives Wyatt, Kelly (24), Fitzwater, Tilley, Lasater, Barnes, Torpey, McGhee, Shumake, Funderburk, Marshall, Schieber, Brown (85), Reiboldt, Weter, Webb, Carter, Newman, McManus, Pierson, Colona, Walton Gray, Meadows, Spreng, Smith (71), Fallert, Oxford, Hubbard, Nasheed, Still, Hummel, Aull, Brown (50), Jones (63), Webber, Pace, Schoeller, Talboy, Conway (14), Nance, Sifton, McCann Beatty, Rizzo, McDonald, Shively, Taylor, Zerr, Sater, Haefner, Lampe, Ellington, Morgan, Quinn, Phillips, Franklin, Ellinger, Nichols, Black, Swearingen, Sommer, McGeoghegan and Klippenstein, relating to the University of Missouri board of curators.

## COMMUNICATION

January 31, 2012

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 possible interest in legislation on which the Missouri House of Representatives may vote during the legislative session. My husband and I are retired members of the Public School Retirement System (PSRS).

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

Thank you for your attention to this matter.

Sincerely,

/s/ Jeanie Riddle  
Representative  
District 20

The following members' presence was noted: Bahr, Barnes, Ellinger, Franklin, Hughes and Korman.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, February 1, 2012.

### **COMMITTEE MEETINGS**

#### **ADMINISTRATION AND ACCOUNTS**

Thursday, February 2, 2012, House Hearing Room 5 upon morning adjournment.  
Public hearing will be held: HR 89  
Executive session may be held on any matter referred to the committee.

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

Wednesday, February 1, 2012, 2:00 PM House Hearing Room 4.  
Continuation of the Department of Natural Resources budget presentation, if needed.  
Conservation Department's budget presentation.  
Public testimony will be heard. If you would like to testify, please notify Eric Jacquin by calling (573) 721-9458 or sending an e-mail to Eric.Jacquin@house.mo.gov.  
AMENDED

#### **APPROPRIATIONS - EDUCATION**

Wednesday, February 1, 2012, 8:00 AM House Hearing Room 3.  
Institutional Presidents.  
Will recess for session and reconvene at 2:00 pm in Hearing Room 1.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 1, 2012, House Hearing Room 3 upon morning adjournment.  
Budget presentation  
Testifying Agencies: Office of Administration Leasing; Public Defender Commission.  
CORRECTED

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES**

Wednesday, February 1, 2012, 2:00 PM House Hearing Room 5.  
Executive session may be held on any matter referred to the committee.  
DHSS Budget presentation.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES**

Thursday, February 2, 2012, 8:00 AM House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.  
DHSS Budget overview, continued.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 1, 2012, 2:00 PM House Hearing Room 6.

Public Safety Budget will continue if needed and proceed with Corrections Budget.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 1, 2012, 2:30 PM House Hearing Room 7.

MoDOT Budget presentation.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, February 1, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 1525

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

CANCELLED

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 1, 2012, 8:30 AM House Hearing Room 6.

Public hearing will be held: HB 1526

Executive session will be held: HB 1043, HB 1174

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

HB 1526 will be heard from 8:30 AM to 10 AM.

Committee will recess will reconvene at 3 PM in House Hearing Room 2 for Executive Session on HB 1043 and HB 1174.

FINANCIAL INSTITUTIONS

Wednesday, February 1, 2012, 5:00 PM House Hearing Room 6.

Public hearing will be held: HB 1192, HB 1349, HB 1103, HB 1308, HB 1309

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

AMENDED

FINANCIAL INSTITUTIONS

Wednesday, February 1, 2012, 7:00 PM 2125 Missouri Blvd., Jefferson City, MO.

Committee Dinner

FISCAL REVIEW

Thursday, February 2, 2012, 8:30 AM South Gallery.

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

Any bill referred to the committee.

HEALTH CARE POLICY

Wednesday, February 1, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1123, HB 1033, HB 1188, HB 1274

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

INSURANCE POLICY

Monday, February 6, 2012, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 1144, HB 1113

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

JUDICIARY

Wednesday, February 1, 2012, 12:00 PM House Hearing Room 1.  
Public hearing will be held: HB 1088, HB 1286, HB 1165, HB 1166  
Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Wednesday, February 1, 2012, 8:00 AM House Hearing Room 7.  
Public hearing will be held: HB 1114, HB 1268, HB 1211, HB 1373  
Executive session will be held: HB 1143, HB 1210, HB 1037  
Executive session may be held on any matter referred to the committee.

AMENDED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 1, 2012, upon morning adjournment or 12 PM, whichever comes first, House Hearing Room 5.  
Public hearing will be held: HB 1032, HB 1280  
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, February 2, 2012, 8:00 AM House Hearing Room 1.  
Public hearing will be held: HB 1226, HB 1138, HB 1139  
Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON RENEWABLE ENERGY

Monday, February 13, 2012, 1:00 PM House Hearing Room 5.  
Public hearing will be held: HB 1305, HB 1487  
Executive session may be held on any matter referred to the committee.

TAX REFORM

Monday, February 13, 2012, 7:00 PM 516 S Country Club, Jefferson City, MO.  
Presentation.

TOURISM AND NATURAL RESOURCES

Thursday, February 2, 2012, 9:00 AM House Hearing Room 7.  
Executive session will be held: HCR 13, HB 1191, HB 1251  
Executive session may be held on any matter referred to the committee.

URBAN ISSUES

Wednesday, February 1, 2012, House Hearing Room 5 upon morning adjournment.  
Public hearing will be held: HB 1220, HB 1344

CANCELLED

WAYS AND MEANS

Thursday, February 2, 2012, 8:00 AM House Hearing Room 5.  
Public hearing will be held: HB 1055, HB 1182, HB 1200, HB 1239  
Executive session may be held on any matter referred to the committee.  
A House Committee Substitute has been submitted for HB 1055.

**HOUSE CALENDAR**

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 1, 2012

**HOUSE BILLS FOR SECOND READING**

HB 1565 through HB 1587

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1104 - Schoeller
- 2 HB 1219 - Elmer

**HOUSE BILLS FOR PERFECTION - CONSENT**

(1/31/2012)

- 1 HB 1036 - Dugger
- 2 HB 1039 - Leara
- 3 HB 1099 - Fitzwater
- 4 HB 1100 - Fitzwater
- 5 HB 1105 - Day
- 6 HCS HB 1277 - Long