

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

TWENTY-SECOND DAY, MONDAY, FEBRUARY 13, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Major Kendall Mathews.

Dear Lord, I ask Your blessing on these men and women, Your legislators and people, to give them the courage to make sound decisions this week that will positively impact the people of this great state. Lord, we also pray for the people in need, the downtrodden, and the homeless in Missouri.

Give this body the wisdom, knowledge and clear thinking as they set policy that will impact people of every economic level. May Your Holy Hand touch them today and guide them to do what is right in Your sight. You, O Lord, have the power to renew, restore and reclaim these who need help to stand tall, even against all odds. You are a God Who will never fail them.

“Blessed are the peacemakers, for they will be called sons and daughters of God.” (*Matthew 5:9*). May these lawmakers be Your agents of Your perfect peace, by their outward actions of sound policy making, and an inward conviction to remain faithful to the people they represent.

God, show them Your love, show them Your peace, show them Your grace, and show them that You are Lord of all. Bless their families, their staff and their constituents. May it be so in the power and joy of Jesus Christ. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-first day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 650 through House Resolution No. 671.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 78 and **HJR 79** were read the second time.

SECOND READING OF HOUSE BILLS

HB 1697 through **HB 1714** were read the second time.

SECOND READING OF SENATE BILLS

SB 564 and **SS SCS SB 592** were read the second time.

HOUSE CONCURRENT RESOLUTION

HCR 13, relating to rivers and streams, was taken up by Representative Loehner.

Representative Silvey assumed the Chair.

Speaker Tilley resumed the Chair.

On motion of Representative Loehner, **HCR 13** was adopted.

THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCS HCR 3, relating to a balanced budget amendment, was taken up by Representative Scharnhorst.

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

House Amendment No. 1

AMEND House Committee Substitute for House Concurrent Resolution No. 3, Page 1, Section 3, Line 21, by inserting after all of said section the following:

“Section 4. The Congress shall not impose upon a state or political subdivision of the United States any obligation or duty to make expenditures unless such expenditures shall be fully reimbursed by the United States; nor shall Congress place any condition on the expenditure or receipt of appropriated funds requiring a state or political subdivision of the United States to enact a law or regulation restricting the liberties of its citizens.”; and

Further amend said bill, Page 2, Section 4, Line 23, by deleting the number, “4” and inserting in lieu thereof the number, “5”; and

Further amend said bill, Page 2, Section 5, Line 26, by deleting the number, “5” and inserting in lieu thereof the number, “6”; and

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

On motion of Representative Parkinson, **House Amendment No. 1** was adopted by the following vote:

AYES: 099

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Guernsey	Haefner	Hampton	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Koenig	Korman
Lair	Lant	Largent	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	McCaherty

McGhee	Molendorp	Nance	Nasheed	Neth
Parkinson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Schneider
Shively	Shumake	Silvey	Smith 150	Solon
Sommer	Stream	Swinger	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 055

Anders	Atkins	Black	Carlson	Carter
Casey	Colona	Conway 27	Ellinger	Ellington
Fallert	Grisamore	Harris	Higdon	Hodges
Holsman	Hubbard	Hummel	Jones 63	Kelly 24
Kirkton	Klippenstein	Kratky	Lampe	Lasater
Marshall	May	McCann Beatty	McCreery	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Morgan	Newman	Nichols	Oxford	Pace
Phillips	Pierson	Rizzo	Schieffer	Schupp
Sifton	Smith 71	Spreng	Still	Swearingen
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 009

Aull	Brown 50	Brown 116	Diehl	Hughes
Kander	McNary	Nolte	Schoeller	

On motion of Representative Scharnhorst, **HCS HCR 3, as amended**, was adopted.

On motion of Representative Scharnhorst, **HCS HCR 3, as amended**, was read the third time and passed by the following vote:

AYES: 122

Allen	Anders	Asbury	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 85	Burlison	Casey	Cauthorn	Cierpiot
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curtman	Davis	Denison	Dieckhaus
Dugger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Hodges	Holsman	Hoskins
Hough	Houghton	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Kelly 24	Klippenstein	Koenig
Korman	Kratky	Lair	Lampe	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	Sifton	Silvey
Smith 150	Solon	Sommer	Stream	Swinger
Thomson	Torpey	Wallingford	Webber	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 033

Atkins	Carlson	Carter	Colona	Ellinger
Ellington	Hubbard	Hummel	Jones 63	Kirkton
May	McCann Beatty	McCreery	McDonald	McGeoghegan
McNeil	Montecillo	Morgan	Newman	Nichols
Oxford	Pace	Pierson	Rizzo	Schupp
Smith 71	Spreng	Still	Swearingen	Talboy
Taylor	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 008

Aull	Brown 50	Brown 116	Day	Diehl
Hughes	Kander	Nolte		

Speaker Tilley declared the bill passed.

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 73 - Transportation

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1275 - Ways and Means
HB 1520 - Corrections
HB 1542 - Ways and Means
HB 1569 - Tax Reform
HB 1573 - Local Government
HB 1641 - Transportation
HB 1646 - Tourism and Natural Resources
HB 1679 - Local Government
HB 1700 - Crime Prevention and Public Safety

COMMITTEE REPORTS

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1037**, 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.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1114**, 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 Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 1139**, 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 Transportation, Chairman Denison reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1431**, 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 Workforce Development and Workplace Safety, Chairman Fisher reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1441**, 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 Rules, Vice-Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 8**, 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 **HCR 12**, 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 HJR 61**, 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 1041**, 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 1059**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1103**, 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 1107**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1112**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1128**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1188**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1192**, 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 1198**, 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 1308**, 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 1347**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1349**, 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 1442**, 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 1457**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1517**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 80, introduced by Representatives Hoskins, Largent and Day, relating to the state lottery.

INTRODUCTION OF HOUSE BILLS

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

HB 1715, introduced by Representative Riddle, relating to the release of a lien or encumbrance from a certificate of ownership.

HB 1716, introduced by Representative Cox, relating to construction contract bidding standards for political subdivisions.

HB 1717, introduced by Representatives Kelley (126), Conway (14), Bahr, Brattin, Johnson, Reiboldt and Schoeller, relating to withholding tax returns.

COMMUNICATION

February 13, 2012

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

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written letter of a possible interest in legislation that may be voted on during this legislative session.

As an independent licensed insurance agent and sole owner of Wieland Insurance Group, LLC, I sell and service multiple lines of the insurance.

This letter is to notify the general public of my interest in the above mentioned industries. In order to comply with Section 105.461, RSMo, please publish this report in the Journal of the House. Should you have any questions or require additional information, please let me know.

Best regards,

/s/ Paul Wieland
District 102

The following member's presence was noted: Brown (116).

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Tuesday, February 14, 2012.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Tuesday, February 14, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1073, HB 1194

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

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 14, 2012, 2:00 PM House Hearing Room 4.

Markup on Agriculture.

Markup on Department of Natural Resource.

Markup on Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 15, 2012, 2:00 PM House Hearing Room 4.

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

Markup on Agriculture continued, if needed.

Markup on Department of Natural Resource continued, if needed.

Markup on Department of Conservation continued, if needed.

Markup on HB 2006.

APPROPRIATIONS - EDUCATION

Tuesday, February 14, 2012, 2:00 PM House Hearing Room 1.

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

Markup.

APPROPRIATIONS - EDUCATION

Wednesday, February 15, 2012, 2:00 PM House Hearing Room 1.

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

Markup, continued.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 14, 2012, Upon Morning Adjournment House Hearing Room 3.

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

Markup session for HB's 2001, 2004, 2005, 2012, and 2013.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 15, 2012, Upon Adjournment of Budget Committee Hearing House Hearing Room 3.

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

NOTE: This hearing will be held only if committee matters are not completed during the hearing on the preceding day.

Markup of HB's 2001, 2004, 2005, 2012, and 2013.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 14, 2012, 2:00 PM House Hearing Room 3.

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

Markup on budget.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 15, 2012, 2:00 PM House Hearing Room 6.

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

Markup on budget.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 14, 2012, 8:00 AM House Hearing Room 3.

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

Markup for House Bill 2007.

CORRECTED

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 15, 2012, 2:00 PM House Hearing Room 7.

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

Markup for House Bill 2007.

CORRECTED

BUDGET

Wednesday, February 15, 2012, Upon Morning Adjournment House Hearing Room 3.

Executive session will be held: HB 1030, HB 1029

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

FY 2013 Budget overview by State Budget Director.

CHILDREN AND FAMILIES

Wednesday, February 15, 2012, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 1577, HB 1578, HB 1079, HB 1145, HB 1278

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

CORRECTIONS

Wednesday, February 15, 2012, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 1175, HB 1203, HB 1168, HB 1136, HB 1474

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

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, February 15, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 1700

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

ECONOMIC DEVELOPMENT

Tuesday, February 14, 2012, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 1593

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

Work session, continued (No public testimony during work session).

ELECTIONS

Tuesday, February 14, 2012, 8:30 AM House Hearing Room 5.

Public hearing will be held: HB 1046, HB 1263, HJR 47

Executive session will be held: HB 1236, HB 1340

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

CORRECTED

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 15, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 1629, HB 1425

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

GENERAL LAWS

Tuesday, February 14, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 1111, HB 1342, HB 1395, HB 1549

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

HEALTH CARE POLICY

Wednesday, February 15, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1475, HB 1531, HB 1283, HB 1072

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

AMENDED

HIGHER EDUCATION

Tuesday, February 14, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 1216, HB 1502, HB 1467

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

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Tuesday, February 14, 2012, 9:30 AM Senate Lounge.

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

Executive session: Highway naming for Sergeant Joe Specker, license plate for National Multiple Sclerosis Society.

JUDICIARY

Wednesday, February 15, 2012, 12:00 PM House Hearing Room 1.
Public hearing will be held: HB 1460, HB 1527, HB 1391, HB 1675, HB 1382
Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Wednesday, February 15, 2012, 8:00 AM House Hearing Room 7.
Public hearing will be held: HB 1325, HB 1492, HB 1313, HB 1336, HB 1096
Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 15, 2012, Upon Morning Adjournment or 12 PM, whichever comes first, House Hearing Room 5.
Public hearing will be held: HB 1399
Executive session may be held on any matter referred to the committee.

SMALL BUSINESS

Wednesday, February 15, 2012, 12:00 PM House Hearing Room 7.
Public hearing will be held: HB 1134, HB 1214, HB 1379, HB 1146, HB 1661
Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON JUDICIAL REFORM

Tuesday, February 14, 2012, 3:00 PM House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
The bills to be heard this week in committee are:
HJR 44 - Rep. Stanley Cox
HJR 77 - Rep. Doug Funderburk

TAX REFORM

Wednesday, February 15, 2012, 8:00 AM House Hearing Room 5.
Public hearing will be held: HB 1569
Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, February 14, 2012, 12:00 PM House Hearing Room 7.
Public hearing will be held: HB 1510, HB 1149, HB 1261, HB 1126, HB 1640, HB 1641
Executive session may be held on any matter referred to the committee.

AMENDED

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Tuesday, February 14, 2012, 4:00 PM House Hearing Room 2.
Public hearing will be held: HB 1484, HB 1231, HB 1345
Executive session may be held on any matter referred to the committee.

UTILITIES

Tuesday, February 14, 2012, Upon Morning Adjournment House Hearing Room 1.

Executive session will be held: HB 1108, HB 1341, HB 1361

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

We will go into executive session either at noon or upon morning adjournment, whichever comes first. Your prompt arrival is requested.

Informational hearings will follow executive session.

VETERANS

Tuesday, February 14, 2012, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 1084, HB 1574, HB 1097, HB 1296, HCR 22, HB 1110

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

Please note the change. We will be hearing HB 1110 Barnes, not HB 1100 Fitzwater.

AMENDED

HOUSE CALENDAR

TWENTY-THIRD DAY, TUESDAY, FEBRUARY 14, 2012

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 80

HOUSE BILLS FOR SECOND READING

HB 1715 through HB 1717

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 45 - Solon
- 2 HCS HJR 61 - Loehner

HOUSE BILLS FOR PERFECTION

- 1 HCS HBs 1186 & 1147 - Parkinson
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1041 - Thomson
- 4 HB 1103 - Crawford
- 5 HB 1192 - Koenig
- 6 HCS HB 1308 - Wells
- 7 HB 1349 - Jones (117)
- 8 HCS HB 1442 - Smith (150)

HOUSE BILLS FOR PERFECTION - CONSENT

(2/7/2012)

- 1 HB 1075 - Sater
- 2 HB 1093 - Elmer
- 3 HB 1141 - Gatschenberger
- 4 HB 1156 - Rowland
- 5 HB 1179 - Hampton
- 6 HB 1185 - Parkinson
- 7 HB 1250 - Ruzicka
- 8 HB 1251 - Ruzicka
- 9 HB 1269 - Brattin

(2/14/2012)

- 1 HCS HB 1059 - Dugger
- 2 HB 1107 - Dugger
- 3 HB 1112 - Gosen
- 4 HB 1128 - Largent
- 5 HB 1188 - Allen
- 6 HB 1347 - Franz
- 7 HCS HB 1457 - Crawford
- 8 HB 1517 - Nolte

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 8, (2/9/12, Page 288) - Guernsey

HOUSE BILLS FOR THIRD READING

HB 1277 - Long

HOUSE CONCURRENT RESOLUTIONS

HCR 12, (2/7/12, Page 251) - Davis