

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

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TWENTY-FIFTH DAY, THURSDAY, FEBRUARY 16, 2012

The House met pursuant to adjournment.

Representative Schad in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty.  
(Psalm 91:1)*

O God, Who is a tower of strength to all Who put their trust in You, help us to turn from the noise and clamor of the world, and to find peace in the assurance of Your presence. Keep us sensitive to the needs of others, understanding amid our differences, and determined to live in the spirit of good will. May we ever be mindful of the fact that we are one family in You, and in this oneness may we do our work and live our lives.

Our minds and hearts reach out in prayer for those in the Armed Forces of our country. Keep them strong in temptations, resolute in duty, and faithful to You, Who is ever with them and with us. Lord God of Hosts, be with us all - lest we forget, lest we forget You.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Megan Crocker, Cailin Mooney, RaeAnn Fooks, Grace Griffin, Alex Standgard, Grant Argent, Ryan Sparks, Daniel Xiang, Andrew Chaffin, Nathan Dennigmann, Drew Brissette, Connor Cantwell and Anders Stenstadvolden.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 697 through House Resolution No. 704

## SECOND READING OF HOUSE BILLS

**HB 1735** through **HB 1757** were read the second time.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 41** - Rules

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1290** - Special Standing Committee on Renewable Energy

**HB 1592** - Economic Development

**HB 1711** - Health Insurance

**HB 1723** - Economic Development

**HB 1754** - Special Standing Committee on Judicial Reform

### **COMMITTEE REPORT**

**Committee on Children and Families**, Chairman Largent reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 1576**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, 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 1758**, introduced by Representatives Long, Richardson, Higdon and Grisamore, relating to rights of persons with parental relationships.

**HB 1759**, introduced by Representatives Brown (116) and Smith (150), relating to outboard motors.

**HB 1760**, introduced by Representatives Anders, McGeoghegan, Lampe, Harris, Kratky, Fallert, Casey, Swinger, Quinn, Newman, Carlson, Ellinger, Morgan, Rowland and McDonald, relating to marshals in fourth class cities.

**HB 1761**, introduced by Representatives Ellington, Montecillo, Pace, Hubbard, Rizzo, Swearingen, McGeoghegan, Morgan, Walton Gray, Torpey, Neth, Nasheed, Jones (63), Still, Tilley, Carter, McCann Beatty, Pierson, Lasater and Sifton, relating to statute of limitations for certain offenses against a child.

**HB 1762**, introduced by Representatives Ellington, McGeoghegan, Hubbard, Pace, Atkins, Oxford, Morgan, Walton Gray, Nasheed, Jones (63), Carter, McCann Beatty, Pierson and Brown (50), relating to applications for state employment and public assistance.

**HB 1763**, introduced by Representatives Ellington, Hubbard, Smith (71), Carter, Hughes, McCann Beatty, Fitzwater, Ellinger, Pace, Morgan, Harris, Taylor, Rizzo, Talboy, Colona, Webb, Montecillo, Walton Gray, Nasheed, Jones (63), Pierson, May and Brown (50), relating to the Malcolm X observance day commission.

**HB 1764**, introduced by Representative Bernskoetter, relating to service salary increases for corrections officers.

**HB 1765**, introduced by Representatives Smith (71), Oxford, Jones (63), Pierson, Hughes, Ellington, Sifton, Pace, Montecillo, McGeoghegan, Kirkton, Hummel, Walton Gray, Hodges, Ellinger, May, McCann Beatty, Hubbard, Nasheed, Webb, Brown (50) and Taylor, relating to the Rosa Parks observance day commission.

**HB 1766**, introduced by Representative Schneider, relating to complaints against real estate appraisers.

### RECESS

Representative Schad moved that the House stand in recess until messages are received from the Senate, and then stand adjourned until 10:00 a.m., Friday, February 17, 2012.

### 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 adopted **SCR 15**.

#### SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these rivers, estimated to be \$6 billion, does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the river; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

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 450**, entitled:

An act to repeal section 162.481, RSMo, and to enact in lieu thereof one new section relating to school directors in urban districts, with an emergency clause.

Emergency clause adopted.

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 455**, entitled:

An act to repeal sections 173.005 and 173.040, RSMo, and to enact in lieu thereof two new sections relating to duties prescribed to the coordinating board for higher education.

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 SCS SB 469**, entitled:

An act to repeal sections 536.041, 536.087, and 536.325, RSMo, and to enact in lieu thereof five new sections relating to administrative procedures and review.

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 485**, entitled:

An act to repeal sections 430.020 and 430.082, RSMo, and to enact in lieu thereof two new sections relating to statutory liens against personalty.

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 498**, entitled:

An act to repeal section 407.489, RSMo, and to enact in lieu thereof one new section relating to retail businesses operated by charitable organizations.

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 SCS SB 572**, entitled:

An act to repeal sections 287.067, 287.120, 287.150, and 287.240, RSMo, and to enact in lieu thereof four new sections relating to workers' compensation, with an emergency clause.

Emergency clause adopted.

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 594**, entitled:

An act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof five new sections relating to the no-call list.

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 611**, entitled:

An act to amend chapter 304, RSMo, by adding thereto one new section relating to the establishment of minimal yellow light change interval times for traffic control devices.

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 773**, entitled:

An act to repeal sections 115.345 and 115.349, RSMo, and to enact in lieu thereof two new sections relating to primary elections, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Allen, Atkins, Bahr, Barnes, Berry, Brandom, Brown (50), Casey, Conway (14), Conway (27), Cookson, Curtman, Dieckhaus, Diehl, Ellinger, Ellington, Fallert, Fisher, Flanigan, Franklin, Franz, Gatschenberger, Gosen, Grisamore, Guernsey, Harris, Higdon, Hodges, Holsman, Hubbard, Hughes, Jones (89), Kelley (126), Kelly (24), Kirkton, Koenig, Korman, Kratky, Lair, Lampe, Leach, Lichtenegger, Marshall, May, McCann Beatty, McDonald, McGhee, McManus, McNeil, Meadows, Molendorp, Montecillo, Morgan, Nance, Nasheed, Neth, Newman, Oxford, Pace, Rizzo, Scharnhorst, Schieffer, Schneider, Smith (71), Smith (150), Sommer, Spreng, Still, Stream, Swearingen, Swinger, Talboy, Taylor, Thomson, Tilley, Wallingford, Walton Gray, Webb, White and Zerr.

## **ADJOURNMENT**

Pursuant to the motion of Representative Schad, the House adjourned until 10:00 a.m., Friday, February 17, 2012.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Tuesday, February 21, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1363, HB 1364, HB 1462

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

### **BUDGET**

Tuesday, February 21, 2012, Upon Morning Adjournment House Hearing Room 3.

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

FY 2013 Budget overview by State Budget Director.

Recommendations from Appropriation Committees.

BUDGET

Wednesday, February 22, 2012, Upon Morning Adjournment House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.  
Recommendations from Appropriation Committees.

BUDGET

Thursday, February 23, 2012, Upon Morning Adjournment House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.  
Recommendations from Appropriation Committees.

CORRECTED

CRIME PREVENTION AND PUBLIC SAFETY

Monday, February 20, 2012, 1:00 PM House Hearing Room 3.  
Public hearing will be held: HB 1292, HB 1167, HB 1196  
Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 21, 2012, 8:30 AM House Hearing Room 5.  
Public hearing will be held: HB 1052  
Executive session will be held: HB 1046  
Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, February 21, 2012, 12:00 PM House Hearing Room 5.  
Public hearing will be held: HB 1081, HB 1158, HB 1050, HB 1533  
Executive session will be held: HB 1081  
Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, February 21, 2012, 8:00 AM House Hearing Room 6.  
Public hearing will be held: HB 1722  
Executive session will be held: HB 1216, HB 1502  
Executive session may be held on any matter referred to the committee.

RULES

Monday, February 20, 2012, Upon Afternoon Adjournment House Hearing Room 4.  
Public hearing will be held: HCR 41  
Executive session will be held: HCR 41

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

Monday, February 20, 2012, Upon Afternoon Adjournment House Hearing Room 4.  
Executive session may be held on any or all bills referred to this committee.

RURAL COMMUNITY DEVELOPMENT

Tuesday, February 21, 2012, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 1524, HJR 59

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

AMENDED

SPECIAL STANDING COMMITTEE ON DISABILITY SERVICES

Monday, February 20, 2012, 2:00 PM House Hearing Room 7.

Public hearing will be held: HB 1651, HB 1652, HB 1713, HB 1714

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

SPECIAL STANDING COMMITTEE ON RENEWABLE ENERGY

Monday, February 20, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 1290, HB 1305

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

URBAN ISSUES

Monday, February 20, 2012, Upon Evening Adjournment House Hearing Room 5.

Executive session will be held: HCS HB 1344, HB 1273, HB 1466

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

VETERANS

Monday, February 20, 2012, 2:00 PM House Hearing Room 5.

Public hearing will be held: HB 1731

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

VETERANS

Tuesday, February 21, 2012, 8:30 AM House Hearing Room 1.

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

Executive session only.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 20, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1367, HB 1403

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

**HOUSE CALENDAR**

TWENTY-SIXTH DAY, FRIDAY, FEBRUARY 17, 2012

**HOUSE BILLS FOR SECOND READING**

HB 1758 through HB 1766

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 45 - Solon
- 2 HCS HJR 61 - Loehner
- 3 HCS HJR 41 - Nasheed

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Silvey

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1186 & 1147 - Parkinson
- 2 HCS HB 1298 & 1180, as amended - Parkinson
- 3 HCS HB 1308 - Wells
- 4 HB 1349 - Jones (117)
- 5 HCS HB 1442 - Smith (150)
- 6 HCS HB 1106 - Dugger
- 7 HCS HB 1193 - Frederick
- 8 HCS HB 1220 - Hubbard

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HB 1131 - Fisher

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/14/2012)

- 1 HCS HB 1059 - Dugger
- 2 HB 1107 - Dugger
- 3 HB 1112 - Gosen
- 4 HB 1128 - Largent
- 5 HB 1188 - Allen

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- 6 HB 1347 - Franz
- 7 HCS HB 1457 - Crawford
- 8 HB 1517 - Nolte

(2/17/2012)

- 1 HB 1037 - Dugger
- 2 HB 1114 - Weter
- 3 HB 1441 - Fisher

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

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

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

- 1 HB 1277 - Long
- 2 HB 1103 - Crawford
- 3 HB 1192 - Koenig
- 4 HB 1041, E.C. - Thomson

#### **SENATE BILLS FOR SECOND READING**

- 1 SB 450 - Rupp
- 2 SB 455 - Pearce
- 3 SS SCS SB 469 - Dixon
- 4 SCS SB 485 - Cunningham
- 5 SCS SB 498 - Munzlinger
- 6 SS SCS SB 572 - Dempsey
- 7 SB 594 - Kraus
- 8 SB 611 - Lembke
- 9 SCS SB 773 - Parson

#### **HOUSE CONCURRENT RESOLUTIONS**

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