

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

THIRTY-THIRD DAY, WEDNESDAY, FEBRUARY 29, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

Rest in the Lord and wait patiently for Him; fret not thyself. (Psalm 37:7)

Eternal God, Who has made us for Yourself so that our hearts are restless until they find rest in You, we pause in silence before You as we begin our duties on this leap year day. We would quiet our spirits in Your presence and find rest in the support of Your sustaining strength.

Forgive our folly and our excuses, our coldness to human suffering, our indifference to those treasures of the spirit which are light and life, and our neglect of Your wise and gracious laws. So change our minds and turn our thoughts to You that we may walk in the way of Your commandments and with courage serve our state, with compassion help our citizens, and with confidence keep our lives committed to You.

Finally, watch over and bless all who were harmed last evening by severe storms in Southern Missouri. Spare and save us from all harmful weather in the future.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-second day was approved as printed.

SECOND READING OF HOUSE BILLS

HB 1838 through **HB 1849** were read the second time.

PERFECTION OF HOUSE BILLS

HB 1318, relating to mental health facility employees, was taken up by Representative Riddle.

On motion of Representative Riddle, **HB 1318** was ordered perfected and printed.

Representative Diehl assumed the Chair.

HCS HB 1139, relating to the 2012 Missouri State Employee Incentive Program, was taken up by Representative Gatschenberger.

On motion of Representative Gatschenberger, **HCS HB 1139** was adopted.

On motion of Representative Gatschenberger, **HCS HB 1139** was ordered perfected and printed.

HCS HBs 1298 & 1180, as amended, relating to tort actions for damages, was taken up by Representative Parkinson.

On motion of Representative Parkinson, **HCS HBs 1298 & 1180, as amended**, was adopted.

On motion of Representative Parkinson, **HCS HBs 1298 & 1180, as amended**, was ordered perfected and printed.

On motion of Representative Jones (89), the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Diehl.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 935 through House Resolution No. 948

PERFECTION OF HOUSE BILLS

HCS HB 1030, relating to collection of state money, was taken up by Representative Flanigan.

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

House Amendment No. 1 was withdrawn.

Representative Kelly (24) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1030, Page 2, Section 32.058, Line 4, by deleting the words, "**on any assessed delinquency or underpayment**" and inserting in lieu thereof the words, "**of deficiency or assessment**"; and

Further amend said bill, Page 5, Section 32.087, Line 127, by inserting after all of said section the following:

"32.088. 1. Beginning January 1, 2013, the possession of a statement from the department of revenue stating no tax, applicable to the business seeking to issue or renew its license, is due under chapters 142, 143, 144,

147, and 149, and that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business unless the owner is by law subject at least biennially to a state tax check for purposes of retaining a professional license under sections 168.071, 324.010 and 484.053. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

2. Beginning January 1, 2013, in lieu of subsection 1 of this section, the director shall, as soon as practical thereafter, enter into an agreement with any state agency responsible for issuing any state license for conducting any business requiring the agency to provide the director of revenue with the name and Missouri tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters 142, 143, 144, 147, and 149, or fees under section 260.262 or 260.273, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.”; and

Further amend said bill, Page 17, Section 144.190, Line 77, by deleting the words, “August 28, 2013” and inserting in lieu thereof the words, “September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software”; and

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

On motion of Representative Kelly (24), **House Amendment No. 2** was adopted.

Representative Nance offered **House Amendment No. 3**.

Representative Leara raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Diehl requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Flanigan, **HCS HB 1030, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 1030, as amended**, was ordered perfected and printed by the following vote:

AYES: 145

Allen	Anders	Asbury	Aull	Bahr
Barnes	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Burlison	Carlson	Casey
Cauthorn	Cierpiot	Conway 14	Conway 27	Cookson
Cox	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Ellinger
Ellington	Elmer	Entlicher	Fallert	Fisher
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Haefner

Hampton	Harris	Higdon	Hinson	Hodges
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	May
McCaherty	McCann Beatty	McCreery	McDonald	McGeoghegan
McManus	McNary	McNeil	Meadows	Molendorp
Montecillo	Morgan	Nance	Nasheed	Neth
Newman	Nichols	Nolte	Oxford	Pace
Parkinson	Pierson	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schieffer	Schneider	Schupp	Shively
Shumake	Sifton	Silvey	Smith 150	Solon
Sommer	Spreng	Stream	Swearingen	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Walton Gray	Webber	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 004

Atkins	Guernsey	Hughes	Smith 71
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PRESENT: 000

ABSENT WITH LEAVE: 014

Bernskoetter	Brown 50	Carter	Colona	Crawford
Fitzwater	Funderburk	Holsman	Korman	McGhee
Phillips	Schoeller	Still	Webb	

HCS HB 1072, relating to the Volunteer Health Services Act, was taken up by Representative Sater.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1072, Page 2, Section 191.1106, Line 7, by deleting the word “**officer’s**” and insert in lieu thereof the word “**officers**”; and

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

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

On motion of Representative Sater, **HCS HB 1072, as amended**, was adopted.

On motion of Representative Sater, **HCS HB 1072, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1318** - Fiscal Review
- HB 1066** - Workforce Development and Workplace Safety
- HB 1082** - Professional Registration and Licensing
- HB 1095** - General Laws
- HB 1102** - Children and Families
- HB 1118** - Crime Prevention and Public Safety
- HB 1202** - Judiciary
- HB 1233** - Children and Families
- HB 1306** - Small Business
- HB 1355** - Professional Registration and Licensing
- HB 1358** - Local Government
- HB 1406** - Insurance Policy
- HB 1415** - Elections
- HB 1423** - Crime Prevention and Public Safety
- HB 1446** - Ways and Means
- HB 1454** - Transportation Funding and Public Institutions
- HB 1456** - Corrections
- HB 1470** - Children and Families
- HB 1559** - Children and Families
- HB 1563** - Professional Registration and Licensing
- HB 1564** - Crime Prevention and Public Safety
- HB 1590** - Local Government
- HB 1598** - Crime Prevention and Public Safety
- HB 1602** - Special Standing Committee on Renewable Energy
- HB 1607** - Children and Families
- HB 1627** - Judiciary
- HB 1639** - International Trade and Job Creation
- HB 1642** - Corrections
- HB 1656** - Crime Prevention and Public Safety
- HB 1674** - Small Business
- HB 1676** - Local Government
- HB 1699** - Crime Prevention and Public Safety
- HB 1707** - General Laws
- HB 1717** - Ways and Means
- HB 1725** - Agriculture Policy
- HB 1733** - Agriculture Policy
- HB 1741** - Retirement
- HB 1742** - General Laws
- HB 1743** - Crime Prevention and Public Safety
- HB 1744** - Tourism and Natural Resources
- HB 1750** - Crime Prevention and Public Safety

HB 1752 - Tourism and Natural Resources
HB 1753 - Agriculture Policy
HB 1767 - Crime Prevention and Public Safety
HB 1768 - Utilities
HB 1778 - Tourism and Natural Resources
HB 1780 - Local Government
HB 1782 - Transportation
HB 1817 - Judiciary
HB 1827 - Health Insurance
HB 1847 - Health Care Policy

COMMITTEE REPORTS

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1455**, 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 Elementary and Secondary Education, Chairman Dieckhaus reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1048**, 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 General Laws, Chairman Franz reporting:

Mr. Speaker: Your Committee on General Laws, to which was returned **HB 1317**, 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.

Committee on Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1475**, 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 Health Care Policy, to which was referred **HB 1541**, 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 Health Care Policy, to which was referred **HB 1545**, 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 Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1636**, 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 Small Business, Chairman Scharnhorst reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **HB 1134**, 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 Small Business, to which was referred **HB 1214**, 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.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 83, introduced by Representatives Kelley (126), Schad, Haefner, Brattin, Gatschenberger, Houghton, Guernsey, Funderburk, Cox, Fisher, Lair, McNary, Stream, Thomson, Day, Hoskins, Entlicher, White, Davis, Weter, Keeney, Rowland, Jones (89), Franz, Diehl, Hummel, Harris, Pace, Webb, Fallert, Casey, Nichols, Brown (85), Long, Redmon, Parkinson, Frederick, Johnson, Richardson, Hampton, Bernskoetter, Conway (14), Reiboldt, Solon, Wieland, Gosen, Lant, Pierson, Burlison, Bahr, Black, Fitzwater, Smith (150), Schoeller, Brown (116), Higdon, Wright, Nance, Riddle, Elmer, Lasater, Largent, Molendorp, McCreery, Brown (50), McGhee, McCann Beatty, McNeil, Lampe, Still, Zerr, Berry, Jones (63), May, Hubbard, Colona, Quinn, Shively, Hodges, Smith (71), Loehner, Grisamore, Dieckhaus, Silvey, Klippenstein, Flanigan, Nolte, Asbury, Schatz, Schieffer, Hughes, Anders, Ellinger, Cross, Sater, Wallingford, McGeoghegan, Schieber, Leach, McCaherty, Sommer, Allen, Lauer, Cookson, Nasheed, Holsman, Torpey, Rizzo, Montecillo, Fraker, Morgan, Bandom and Tilley, relating to laws retrospective in operation.

INTRODUCTION OF HOUSE BILLS

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

HB 1850, introduced by Representatives Wyatt, Berry, McNeil, Kirkton and Oxford, relating to the Missouri energy efficiency performance standard.

HB 1851, introduced by Representative Jones (117), relating to qualifications for sheriffs.

HB 1852, introduced by Representatives Bandom, Lichtenegger, Korman and Elmer, relating to the board for architects, professional engineers, professional land surveyors and landscape architects.

HB 1853, introduced by Representatives Newman, Jones (63), McCreery, Nichols, Walton Gray, Oxford, Pace, Morgan and Spreng, relating to prohibiting vasectomies.

HB 1854, introduced by Representative Grisamore, relating to the brain injury fund.

HB 1855, introduced by Representatives Wallingford, Thomson, Lichtenegger, Richardson, Molendorp, Schupp, Cookson, Hoskins, Morgan, Korman, Brandom, Aull, Cauthorn, Wright, Smith (150), Entlicher, Curtman, Brown (50), Meadows, Fraker, Pierson, Sommer, McGeoghegan, Conway (14), Lauer, Scharnhorst, Taylor, Walton Gray, Pace, Hodges, McNeil, Johnson, Long, Dieckhaus, Casey and Still, relating to science, technology, engineering, and mathematics education.

HB 1856, introduced by Representatives Hampton, Richardson, Wright, Keeney, Lichtenegger and Fitzwater, relating to county prosecutors.

HB 1857, introduced by Representatives Leara, Carter, Colona, Hummel, Montecillo, Atkins, Meadows and Hinson, relating to the firemen's retirement system of St. Louis.

HB 1858, introduced by Representatives Cox, Riddle, Cross, Hough and Bernskoetter, relating to beer wholesalers.

HB 1859, introduced by Representatives Barnes and Kelly (24), relating to conduit bond offerings by political subdivisions.

HB 1860, introduced by Representative Guernsey, relating to the crime of agricultural production facility fraud.

HB 1861, introduced by Representatives Nolte, Fisher, Lasater, Nance, Cross, White and Neth, relating to the taxation of business income.

HB 1862, introduced by Representative Newman, relating to pay equity.

HB 1863, introduced by Representative Aull, relating to the designation of the state historical dog.

HB 1864, introduced by Representatives Johnson, Higdon and Conway (27), relating to a Pony Express special license plate.

HB 1865, introduced by Representatives Barnes and Solon, relating solely to due diligence given in consideration of economic development incentives.

HB 1866, introduced by Representative Largent, relating to sales taxes on motor vehicles.

HB 1867, introduced by Representatives Denison, Pollock, Wells, Schieffer, Meadows, Fallert, McDonald, Hodges, Jones (63), Franz and Lant, relating to bail bonds.

HB 1868, introduced by Representative Cauthorn, relating to the designation of a highway.

HB 1869, introduced by Representatives Dugger and Diehl, relating to initiative and referendum petitions.

COMMUNICATION

February 29, 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 Chapters 105.452 to 105.461, RSMo, this letter is an official disclosure that my husband is a member of the Missouri State Highway Patrol (MSHP); and that some of the legislation and amendments that I will be voting on could have a direct impact on our family, in the same manner in which other similarly situated members of the MSHP are affected.

In order to comply with Chapters 105.452 to 105.461, RSMo, please publish this report in the Journal of the House.

Sincerely,

/s/ Shelley Keeney
State Representative
District 156

The following members' presence was noted: Bernskoetter, Carter, Colona, Crawford, Fitzwater, Funderburk, Holsman, Korman, Phillips, Schoeller, Still and Webb.

ADJOURNMENT

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

COMMITTEE MEETINGS

BUDGET

Monday, March 5, 2012, 10:00 AM House Hearing Room 3.

Public hearing will be held: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

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

Review of House Committee Substitutes for House Bills 2001 through 2013.

CRIME PREVENTION AND PUBLIC SAFETY

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

Public hearing will be held: HB 1747, HB 1516

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

DOWNSIZING STATE GOVERNMENT

Thursday, March 1, 2012, 9:00 AM House Hearing Room 4.

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

FISCAL REVIEW

Thursday, March 1, 2012, 8:30 AM South Gallery.

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

Any and all bills referred to the committee

GENERAL LAWS

Thursday, March 1, 2012, Upon Morning Adjournment House Hearing Room 1.

Public hearing will be held: HB 1504

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

INTERNATIONAL TRADE AND JOB CREATION

Thursday, March 1, 2012, Upon Morning Adjournment North Gallery.

Executive session will be held: HB 1449

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

CORRECTED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 1, 2012, 8:30 AM Senate Lounge.

Informational Meeting - Discussion and presentation by city of St. Louis officials and International Association of Fire Fighter's Local 73 Union officials relative to St. Louis Firemen's Retirement System proposed modifications

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

Thursday, March 1, 2012, 9:30 AM House Hearing Room 7.

Executive session will be held: HR 89, HCR 22, HCS HCR 32, HCS HJR 47, HJR 52, HB 1073, HB 1051, HB 1096, HB 1165, HCS HB 1169, HB 1190, HB 1231, HB 1266, HB 1296, HB 1331, HB 1325, HB 1337, HCS HB 1342, HCS HB 1373, HB 1466, HB 1492, HCS HB 1525, HCS HB 1549, HB 1577, HB 1634, HCS HBs 1659 & 1116, HB 1668, HB 1641

Executive session may be held on any or all bills referred to this committee.

TRANSPORTATION

Thursday, March 1, 2012, Upon Morning Adjournment South Gallery.

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

WAYS AND MEANS

Thursday, March 1, 2012, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 1535, HB 1310, HB 1101

Executive session will be held: HB 1275

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

HOUSE CALENDAR

THIRTY-FOURTH DAY, THURSDAY, MARCH 1, 2012

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 83

HOUSE BILLS FOR SECOND READING

HB 1850 through HB 1869

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1193 - Frederick
- 2 HCS HB 1220 - Hubbard
- 3 HB 1513 - Franz
- 4 HB 1029 - Flanigan
- 5 HCS HB 1042 - Thomson
- 6 HCS HB 1123 - Frederick
- 7 HB 1191 - Ruzicka
- 8 HCS HB 1300 - Franz
- 9 HCS HB 1324 - Loehner
- 10 HB 1431 - Hoskins
- 11 HCS HB 1495 - Nance
- 12 HCS HB 1198 - Fisher

HOUSE BILLS FOR PERFECTION - CONSENT

(2/28/2012)

- 1 HCS HBs 1098 & 1084 - Shumake
- 2 HCS HB 1108 - Lauer
- 3 HB 1236 - Entlicher
- 4 HCS HBs 1258, 1259, & 1260 - Kelly (24)
- 5 HCS HB 1340 - Dugger
- 6 HB 1404 - Reiboldt
- 7 HCS HB 1576 - Largent

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HCS HJR 61 - Loehner
- 2 HJR 45, (Fiscal Review 2/28/12) - Solon

HOUSE BILLS FOR THIRD READING

- 1 HB 1277 - Long
- 2 HB 1349 - Jones (117)
- 3 HCS HB 1106 - Dugger
- 4 HCS HB 1174, E.C. - Lair
- 5 HCS HB 1731 - Day
- 6 HB 1318, (Fiscal Review 2/29/12) - Riddle
- 7 HCS HB 1139 - Gatschenberger
- 8 HCS HBs 1298 & 1180 - Parkinson
- 9 HCS HB 1030, E.C. - Flanigan
- 10 HCS HB 1072 - Sater

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1037 - Dugger
- 2 HB 1114 - Weter