

Journal of the House

NINETY-SEVENTH GENERAL ASSEMBLY
of the
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY, WEDNESDAY, JANUARY 9, 2013

The House was called to order at twelve o'clock noon by the Honorable Robin Carnahan, Secretary of State.

Prayer by Father Leo Spezia, Most Sacred Heart Catholic Church, Eureka, MO.

O God, Whose divine wisdom embraces our universe, how blest are You. How great Thou art. As we gather for this session of the Missouri House of Representatives, we begin with an attitude of gratitude and thanksgiving.

Thank You for our military personnel, all law enforcement officers, and our fire service and emergency service personnel throughout our great state and nation, who protect and serve Your people and guard their lives and property. It is with thanksgiving that we pause to remember the persons who have made the ultimate sacrifice to help ensure Missouri's safety. We thank them for their service.

Rally the Republicans and Democrats around Your common good so that our great state will truly become one of opportunity for all – including the least, the last, and the lost.

Bless every elected official of our state. Bless them, their families, and their leadership.

O God, the One Who has always been, and always will be, the true maker of just laws, we give You the honor and the glory. Bless our state this day and always. We ask this in Your Name. Amen.

The Pledge of Allegiance to the flag was recited.

The Missouri State Highway Patrol, Troop F Color Guard, presented the Colors.

ADDRESS BY SECRETARY OF STATE ROBIN CARNAHAN

Good Afternoon. I'm Secretary of State Robin Carnahan. Welcome to the opening of the 97th Regular Session of the Missouri General Assembly.

First, I want to thank those of you who are returning to continue your service to our state. And I want to give a very special congratulations and thank you to the 50 new members who are taking the oath of office for the first time.

My job today is to preside over the opening of this session until a Temporary Speaker is chosen.

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But, before we get to that, I'll follow the longstanding tradition of saying a few words before handing over the gavel one last time.

This is the fourth time I've been honored to preside over the opening of a new legislative session, and every time I have the same feeling.

Like most visitors who walk through these doors, I'm first struck by the beauty and majesty of this place. But, quickly my thoughts turn to the history that's been made here. Right here in this room.

Think about it: Millions of Missouri children and parents are better off because of difficult votes your predecessors took to invest in our schools and teachers, and to ensure our kids have access to affordable, quality healthcare.

This room has witnessed important votes to protect our citizens; help small business owners; invest in our roads; help the sick, disabled and less fortunate; and provide retirement security and decent healthcare to our seniors. And that only scratches the surface of the important work that has passed through this chamber.

Over the coming days, you, too, will have the opportunity to make history. You'll be asked to make difficult choices...to balance the costs and benefits of various programs that could have a profound impact on millions of lives.

And the ugly, seldom talked-about truth is, every one of you will be asked to cast votes on issues before you've had enough time and information to fully understand the consequences. And you'll very likely be asked to vote in situations when you find none of the choices appealing.

When that day comes, and inevitably it will, the question each of you will need to answer for yourself is: How will you decide whether to vote yea or nay?

Of course, the easiest and most obvious path is to go along with your party's leaders and vote the way they want you to.

That's playing it safe. But that certainly isn't why your friends and neighbors back home voted to send you here...they expect more of you. And I'm guessing you expect more of yourselves.

So how else will you be able to make those tough choices when a difficult vote is called?

Some of you may fall back on trying to fit your vote neatly into some ideological box...something easy to explain. Is it pro-freedom, pro-business, anti-tax? You name it.

But the reality is, very few issues you'll be asked to vote on are that simplistic. And besides, oversimplifying complicated policy questions also isn't why your neighbors voted to send you here.

Of course, some of you may be tempted to turn to lobbyists or special interest groups for information and guidance on how to vote...you don't need me to tell you how folks back home might react to that.

Or you can choose to do what people back home expect of you when those tough votes come...by tuning out all the noise and thinking hard about how your vote will affect them. Those families with sick kids and jobs with no insurance, those working parents struggling with more than one job just to cover the bills, that aging WWII veteran or that 18-year-old student who may not have driver's licenses, but sure don't want to lose their right to vote.

It's your job, indeed it's your solemn obligation, to think about those people not about politics when you decide how to vote...think about those real Missourians whose lives will be impacted, for better or worse, by choices you make.

Your friends and neighbors sent you to this majestic chamber to represent the interests of your community because they trust your judgment. They trust your integrity. They trust that you will work hard at understanding all the trade-offs, all the complications, and all the implications, to speak your mind and look out for their interests...rich and

poor; old and young; business owners and union workers; healthy and sick; liberal and conservative; Republican and Democrat.

They trust that you'll look beyond the partisan rhetoric and lobbyist influence peddling and work to find common ground and commonsense compromises that solve real problems and keep Missouri moving down the path of a prosperous future.

Every Missourian you represent has hopes and fears about that future. Your job in the coming months is to pass laws that are fair and create opportunities for all of those who are ready to work hard and play by the rules. But it's also your job to look out for our most vulnerable citizens and ensure they, too, are treated with dignity and respect.

I hope that you take a few minutes today, and indeed every day when you look in the mirror, to remind yourself why you are here and think about the history that's been made in this room.

Think about the responsibility you've been entrusted with...not only to make history, but also to do good. For our children, families and the millions of Missourians whose lives and futures depend on the votes you'll cast here.

That will be your lasting legacy.

May God bless you as you go about this important work.

COMMUNICATION FROM THE SECRETARY OF STATE

To the Honorable House of Representatives of the 97th General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the House of Representatives for the 97th General Assembly (First Regular Session) of the State of Missouri, elected at the General Election held on November 6, 2012.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 8th day of January, 2013.

/s/ ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI HOUSE OF REPRESENTATIVES
97th General Assembly, First Regular Session

District	Name
1st	Mike Thomson
2nd	Casey Guernsey
3rd	Nate Walker
4th	Craig Redmon
5th	Lindell F. Shumake
6th	Tim Remole
7th	Mike Lair
8th	James W. (Jim) Neely
9th	Delus Johnson
10th	Pat Conway
11th	Galen Wayne Higdon, Jr.
12th	Ken Wilson
13th	Nick Marshall
14th	Ron Schieber
15th	Jon Carpenter

16th	Noel J. Shull
17th	Myron Neth
18th	Jay Swearingen
19th	John Joseph Rizzo
20th	John A. Mayfield
21st	Ira Anders
22nd	Brandon Ellington
23rd	Randy D. Dunn
24th	Judy Morgan
25th	Jeremy LaFaver
26th	Gail McCann Beatty
27th	Bonnaye V. Mims
28th	Tom McDonald
29th	Noel Torpey
30th	Mike Cierpiot
31st	Sheila Solon
32nd	Jeanie Lauer
33rd	Donna Pfautsch
34th	Jeff Grisamore
35th	Gary Cross
36th	Kevin McManus
37th	Joe Runions
38th	T.J. Berry
39th*	Joe Don McGaugh
40th	Jim Hansen
41st	Ed Schieffer
42nd	Bart Korman
43rd	Jay D. Houghton
44th	Caleb Rowden
45th	Chris Kelly
46th	Stephen Webber
47th	John A. Wright
48th	Dave Muntzel
49th	Jeanie Riddle
50th	Caleb Jones
51st	Dean A. Dohrman
52nd	Stanley Cox
53rd	Glen Kolkmeier
54th	Denny Hoskins
55th	Rick Brattin
56th	Chris Molendorp
57th	Wanda Brown
58th	David Wood
59th	Mike Bernskoetter
60th	Jason (Jay) Barnes
61st	Dave Schatz
62nd	Tom Hurst
63rd	Bryan Spencer
64th	Robert Cornejo
65th	Anne Zerr
66th	Tommie Pierson
67th	Steve Webb
68th	Keith English
69th	Margo McNeil
70th	Bill Otto
71st	Susan Meredith

72nd	Mary Nichols
73rd	Courtney Curtis
74th	Sharon L. Pace
75th	Rochelle Walton Gray
76th	Chris Carter
77th	Kimberly M. Gardner
78th	Penny V. Hubbard
79th	Michael Butler
80th	Mike Colona
81st	Jacob W. Hummel
82nd	Michele Kratky
83rd	Gina Mitten
84th	Karla May
85th	Clem Smith
86th	Rory Ellinger
87th	Stacey Newman
88th	Jill Schupp
89th	John J. Diehl, Jr.
90th	Rick Stream
91st	Jeanne Kirkton
92nd	Genise D. Montecillo
93rd	Bob Burns
94th	Vicki Lorenz Englund
95th	Marsha Haefner
96th	Mike Leara
97th	John C. McCaherty
98th	Dwight Scharnhorst
99th	Andrew Koenig
100th	Sue Allen
101st	Don Gosen
102nd	Kurt Bahr
103rd	Doug Funderburk
104th	Kathie Conway
105th	Mark A. Parkinson
106th	Chrissy Sommer
107th	Ron Hicks
108th	Chuck Gatschenberger
109th	Paul Curtman
110th	Timothy W. Jones
111th	Michael Frame
112th	Paul Wieland
113th	Jeff Roorda
114th	T.J. McKenna
115th	Elaine Freeman Gannon
116th	Kevin Engler
117th	Linda Black
118th	Ben Harris
119th	Dave Hinson
120th	Jason T. Smith
121st	Keith Frederick
122nd	Steve Lynch
123rd	Diane Franklin
124th	Rocky Miller
125th	Warren D. Love
126th	Randy Pike
127th	Mike Kelley

128th	Sue Entlicher
129th	Sandy Crawford
130th	Jeff Messenger
131st	Sonya Murray Anderson
132nd	Charlie Norr
133rd	Eric W. Burlison
134th	Elijah Haahr
135th	Lincoln Hough
136th	Kevin Austin
137th	Lyndall Fraker
138th	Don Phillips
139th	Kevin Elmer
140th	Lynn Morris
141st	Tony Dugger
142nd	Robert Ross
143rd	Jeffrey Pogue
144th	Paul Fitzwater
145th	Shelley (White) Keeney
146th	Donna Lichtenegger
147th	Kathy Swan
148th	Holly Rehder
149th	Steve Hodges
*150th	Kent Hampton
151st	Dennis Fowler
152nd	Todd Richardson
153rd	Steve Cookson
154th	Shawn Rhoads
155th	Lyle Rowland
156th	Jeff Justus
157th	Don Ruzicka
158th	Scott Fitzpatrick
159th	Bill Lant
160th	Bill Reiboldt
161st	William (Bill) White
162nd	Charlie Davis
163rd	Tom Flanigan

*Litigation pending on this race

LETTERS OF RESIGNATION

December 21, 2012

Governor Jay Nixon
State Capitol, Room 216
Jefferson City, MO 65101

Dear Governor Nixon:

I am writing to notify you that effective immediately I resign from my current position as State Representative of the 132nd House District in the 96th General Assembly, and also resign from my newly-elected position as State Representative of the 157th House District in the 97th General Assembly.

The past six years have been wonderful and have allowed me to make a difference for our state. Serving the people of Lawrence County and this great state has been one of the most rewarding and fulfilling experiences of my life. I appreciate the support of my constituents and colleagues during those years.

This is a blessed state and I know it will continue to be served with excellence.

Respectfully,

/s/ Don Ruzicka
State Representative
132nd District

January 3, 2013

The Honorable Jay Nixon
State Capitol, Room 216
Jefferson City, MO 65101

Dear Governor Nixon:

Pursuant to Section 21.090, RSMo, I hereby submit my resignation, effective immediately, as state representative-elect for the 76th District of the Missouri House of Representatives, and request that you call a special election to fill the vacancy as soon as possible.

Sincerely,

/s/ Chris Carter
Representative-Elect
76th District

The following roll call indicated a majority of the Representatives present:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson

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Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Jones (110)	

NOES: 000

PRESENT: 001

Shull

ABSENT WITH LEAVE: 001

Frederick

VACANCIES: 002

The following Representatives advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Richard B. “Rick” Teitelman, Chief Justice of the Supreme Court of Missouri.

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfausch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Jones (110)

NOMINATIONS FOR TEMPORARY SPEAKER

Representative Guernsey nominated Representative Shelley Keeney as temporary Speaker of the House.

Representative Burlison seconded the nomination.

Representative Kelly (45) nominated Representative Steve Webb as temporary Speaker of the House.

Representative Webb withdrew his nomination.

Representative Diehl moved that nominations cease and Representative Keeney be elected by acclamation.

Which motion was adopted.

Representative Keeney assumed the Chair.

NOMINATIONS FOR SPEAKER

Representative Swan nominated Representative Timothy W. Jones for Speaker of the House.

Representative Funderburk seconded the nomination.

Representative McCann Beatty nominated Representative Jake Hummel as Speaker of the House.

Representative Hummel withdrew his nomination.

Representative Diehl moved that nominations cease and Representative Jones (110) be elected by acclamation.

Which motion was adopted.

The following committee was appointed to escort Representative Jones (110) to the dais: Representatives Jones (50), Riddle, Hubbard, Elmer, Webb, Kelly (45), Crawford, Burlison, Barnes, Richardson, Allen, former Representatives Danie Moore and Kenny Jones.

Representative Jones (110) subscribed to the oath of office which was administered by the Honorable Dan Pelikan, Judge of the 11th Circuit Court of Missouri.

Speaker Jones assumed the Chair.

ADDRESS BY SPEAKER TIMOTHY W. JONES

Friends and colleagues:

Let me first say thank you for the immense honor you have given me to serve as your Speaker. I am truly blessed to be able to lead such a remarkable group of public servants and I am excited to work with each and every one of you in the coming months to advance the policy items that mean the most to you and to all the people of your districts.

Let me also thank the members, past and present, who so graciously escorted me to the dais to receive this honor. Thank you for your support and friendship.

Let me give extra special thanks to my good friend Danie Moore, the former Lady from Callaway, who made the trip to Jefferson City today to serve on the escort committee. Danie was a mentor and a friend during my first years here in the House. She was an immense help to me as I learned my way in this legislative body. I know there are many of you who can say the same. Thank you, Lady from Callaway, for being such a conscientious public servant and such a giving and caring soul.

And thank you to another of my mentors...someone who has given me sage advice throughout my entire life... who has helped make me the man and the legislator I am today... someone who happens to be my uncle...and the father of our colleague, the Gentleman from Moniteau. Please join me in welcoming the former Gentleman from Moniteau...our friend and fellow public servant...my uncle, Kenny Jones. Thank you for being a guiding force in my life and for teaching me what it means to serve with honesty and integrity.

Thanks as well to the Chief Justice of the Missouri Supreme Court, Richard Teitelman, for swearing us in as members of the House, to Judge Dan Pelikan for administering the oath of office I have taken as your Speaker, and to our House Chaplains, Monsignor Kurwicki and Father Spezia, for providing us with their spiritual guidance as we embark on this important legislative session.

Let me also take a few moments to thank my family for the support they have given me as I have pursued this dream of public service. A heartfelt thank you to my parents who are with us today and to all of my family and friends, many of whom have driven great distances to share in this moment with me. Your love and support have enabled and empowered me to make this incredible journey. It's a journey that has meant long hours here in the Capitol, travel to all four corners of our great state, long hours and days away from home, and apart from my loving wife, Suzanne, and our beautiful daughters, Katherine and Abigail. Even as my duties here have kept me away from the people I love the most, they have never wavered in their commitment to support me, to ground me, and to remind me what truly matters most in my life. Without the encouragement and the love they have given me over the years, I would not be here today. Suzanne, Katie, Abby – thank you for giving me the opportunity to make this dream a reality. I could not have done it without you.

The truth is, when you make sacrifices such as these – and we all make them when we choose to serve – you do so with the hope that the precious moments you miss in your personal life are outweighed by the opportunity you gain in your public life to do something truly remarkable, not just for the ones you love – but for every man, woman and child who calls our great state of Missouri home.

As I've traveled around the state over the course of the last few months and during the last six years as I have served as a state representative, I've had the opportunity to meet with and learn the stories of so many outstanding Missourians. From single parents who have overcome adversity to provide a brighter future for their children, to business owners who have found a way to not only survive but thrive in the face of challenging economic times, to farm families who have endured and overcome some of the toughest years in memory. All have markedly different backgrounds and experiences, but all share the common traits of diligence and determination that have allowed them to succeed in the face of adversity. All have an unrelenting desire to see Missouri become a state where our opportunities outnumber our obstacles—where government can maintain a level playing field that gives all Missourians the chance to make their dreams a reality.

In all that we do, the people expect us to abide by a simple rule – that government shall serve not as the ruler of the people, but that the will of the people shall rule their government. As our state motto forever reminds us, the welfare of the people shall be the supreme law of the land. It is a motto that should be in our hearts and our minds with every action we take as public servants.

As we embark on the 2013 legislative session, we have within our grasp the ability to make our state stronger and more prosperous than it has ever been.

The people of this state sent the largest Republican caucus in the history of the Missouri House to Jefferson City to advance a bold and ambitious policy agenda – one that will mean more and better jobs for those in need of work, innovative solutions to our current and future energy needs, and outside-the-box thinking when it comes to reforming a system of education that has far too often failed to meet the needs of our young people.

Over the last few months I have met with many of you across the state to discuss the agenda items we want to address during this session. From our discussions and our conversations – from the input I have received from the people we are elected to serve – we have developed what I refer to as the “Triple E Agenda.” It’s an agenda I believe that can make Missouri the strongest state in the nation in the areas of Economic Development, Energy Policy, and Education.

Economic Development and Job Creation

Regardless of our party affiliations – or the area of the state from which we hail – we all can agree that effective economic development and job creation policies are essential to ensure a bright future for Missouri.

While our economy has begun to show signs of life and the unemployment rate continues to be significantly below the national average, it is clear we must do more to make Missouri’s business climate one that is friendly to existing and potential employers, and that encourages the creation of good-paying jobs that will allow Missouri families to prosper.

One of my top priorities for this legislative session is to reform our medical malpractice system—so we can protect Missouri businesses and our entire system of health care from frivolous lawsuits and encourage new job creation. When the Supreme Court struck down the caps last year, it opened a floodgate of lawsuits that threaten to drive the cost of medical malpractice insurance through the roof, which will increase the cost of care and will encourage the use of so-called “defensive medicine.” The truth is, unless we take action to fix this problem, we will see millions of dollars in the health care industry diverted away from care from health care investment – from health care education – from creating health care jobs—and instead those precious dollars will be needed for legal defense costs.

These are facts that cannot be denied.

Unless we act, health care costs will increase and health care quality will decline as many of our best doctors will inevitably flee the state. That is why we will work this session to stave off this looming threat by reinstating a reasonable cap – by making reforms that will ensure health care providers are not in danger of being targeted by harmful, needless litigation. We must also work to improve our business climate by making Missouri’s employment law standards comparable to national standards. Court decisions have pushed employment laws above and beyond what is required by federal law – something that has negatively impacted our ability to attract new employers to our state and maintain the ones that are already doing business here. It’s time to give Missouri employers the kind of certainty in the legal system that will allow them to focus on growing their businesses and creating jobs rather than worrying about unnecessary lawsuits.

Another element to improving our business climate and encouraging economic development will be to improve our workers’ compensation system. We must make sure that both workers’ compensation and the Second Injury Fund remain solvent to ensure employers are protected from the costs of workplace accidents. If the insolvent Second Injury Fund cannot be salvaged without unfairly penalizing job creators with excessive taxation – we must follow the lead of many other states and begin the task of winding down this fund which has been mismanaged for decades.

One of the most critical components of the economic development portion of our Triple E Agenda is focused on maintaining and creating incentive tools that work.

This session I want to see this legislative body make a commitment to “Cut, Cap and Create.”

Missouri has a significant number of tax credit programs – 61 in all – and it is no secret not all of these programs are accomplishing a useful goal. It will be a House priority to make changes this session that encourage oversight over these programs – eliminate the credits that do not work – cap programs at a reasonable level to provide budget certainty, create new programs that are fiscally responsible, have significant taxpayer protections and that are immediately fiscally positive.

Our benevolent tax credits must be part of this discussion as well. These credits have been instrumental in helping so many worthwhile causes, from pregnancy resource centers to food pantries. This year we must work to reinstate the credits that have helped our charitable organizations to do so much for so many.

We also must give careful consideration to ways we can supplement our economic development efforts by improving our state’s infrastructure. We must work to make sure our roads and bridges – our essential transportation routes – are maintained, are repaired, and are rebuilt and that our essential state services – and the college campuses where young minds are prepared for the future – have the resources and facilities they need to succeed. This means giving serious consideration to a bonding proposal that could generate billions of dollars for these crucial projects. It will help us meet the demands we face today as well as those our state will face in the future.

Energy Policy

The second component of the Triple E I will ask this body to focus their efforts on this year deals with our state’s energy future. We must work to ensure Missouri embraces responsible energy policies that will encourage affordable energy prices and technological development. We must continue to explore and pursue opportunities with the Department of Energy to develop the small modular reactor industry here in our state.

We must ensure Missouri becomes part of this incredibly exciting industry of the future. We must also work to ensure our regulatory framework does not impede Missourians from using existing energy sources or pursuing new developments using our God-given natural resources like coal and natural gas. Only by using an “all of the above” energy framework can we hope to achieve energy independence.

In all that we do, we must adhere to the free-market principles that have made this country great. The free market should dictate and drive our energy independent future – not government subsidies which engage in artificial market controls and support crony capitalism. Exciting new energy endeavors are part and parcel of this equation, but we must also embrace the abundance of natural resources laid out before us.

Education Reform

The final E in the House agenda is education funding and reform. Although we may at times differ in our opinions of how to reach our goals, we can all agree that a strong, effective education system – as guaranteed by our state constitution – is the key to ensuring prosperity for future generations of Missourians.

One of the top concerns we must address this session is protecting education funding from continued encroachment by the Governor’s welfare expansion funding demands. It is irresponsible to place the immediate benefits of entitlement funding ahead of education. The students of today will become the job creators and business and community leaders of tomorrow.

Our children deserve access to the highest quality education available, but our schools will not be able to provide this level of education if their funding is consistently slashed to the bone to fund an ever-increasing, bloated entitlement system that is full of waste, fraud and abuse.

We must also work to improve and reform our education system in general. Our two largest school districts are failing. We must provide these districts and every other district in our state the tools to ensure that effective teaching, not bureaucracy, is the number one priority.

A key component of accomplishing this goal is to ensure schools are able to evaluate teacher performance. Hold poor teachers accountable for their actions while rewarding the overwhelming majority of good and excellent teachers. Our antiquated, overly bureaucratic education system is the antithesis of innovation and excellence. Teachers should be rewarded for their performance and encouraged to boldly engage in the technological innovations that will create the highly skilled workforce of tomorrow that we so desperately need.

We must enhance local control of the education system. There is no one-size-fits-all approach to education. We should recognize that local districts and parents need to have more influence over their curriculum and policies. Innovative policies exercised at the local level could provide a road map for success to schools across our state.

Finally, we must work to ensure that parents are provided the opportunity to be involved in their children's education. Education cannot just begin and end at the schoolhouse door. It must continue at home, and parents should take an active role in ensuring their children are learning what they need to succeed. This can be accomplished by providing parents more power to intervene in failing school districts and force the necessary changes to ensure access to an effective education.

I hope you will follow with me this session as we place these three components at the forefront of our discussions. While I think these issues are the key to building a better Missouri, there are many other policy issues that will reach this floor, in this Chamber, for discussion in the months to come.

Whether it's creating a fiscally responsible spending plan that makes the best possible use of your taxpayer dollars...

...protecting the rights of millions of hardworking men and women who are employed in Missouri
...defending the time-honored traditions of farming, hunting and fishing that have made this state the great place it is today

...ensuring that all life is held sacred and our children are able to grow into healthy, productive adults
...or standing in defense of the rights and freedoms that our founding fathers handed down to us more than 200 years ago...

we will have important decisions to make that extend beyond these policy goals we have outlined with my Triple E Agenda.

With every decision we make, I hope we can keep in mind all of the Missourians out there who are counting on us to make the right decisions to put the policies in place that will pave the way for prosperity.

They have sent our caucus here in record numbers – a veto-proof super majority – because we have proven to be effective leaders in our communities and because they now expect us to lead the way on issues that matter to Missouri's families and businesses in all parts of our great state.

The citizens who entrusted us with this duty want nothing more than a government that removes the barriers to success rather than creates them...

... that keeps the playing field level rather than tipped in favor of one group or another
...that focuses its attention on the needs of all the people rather than the political schemes of a powerful few.

I have asked some of these remarkable people to join us here today as special guests.

Outstanding Missourians like Rhonda Broussard, who founded the St. Louis Language Immersion School.

I am thrilled to have Rhonda with us today as one of our special guests. I ask all of you to join me in recognizing her for the groundbreaking work she has done to provide a world-class education to hundreds of Missouri children.

The more than 500 young people her school educates come from all walks of life and 44 different zip codes. And while they have different backgrounds, they share in the immense opportunity to receive an education that will give them fluency in a foreign language, a mastery of the English language, and an undeniable educational advantage that will open the doors of opportunity for them both now and in the future.

With her hard work and determination and the incredible vision she has shared with the young people of the City of St. Louis Rhonda Broussard has shown us what our system of education can look like when we embrace innovation and support creative solutions. Her work has made, and will continue to make, a profound positive impact in the lives of hundreds, and soon-to-be thousands, of young people.

Rhonda, for your hard work, your dedication and your desire to make a difference the members of the Missouri House say thank you, and we pledge to continue to support policies that will allow dreams like yours to become reality.

We're blessed to have Rhonda with us today. We're equally blessed to have another outstanding Missourian in the Chamber with us from Northeast Missouri. Please join me in welcoming Cindy O'Laughlin.

Cindy and her husband Russell are the proud owners of a small, family-run business that is such a key component in our state's economic success. First begun by Russell's father, O'Laughlin, Incorporated has been in operation for six decades and has expanded from a small dump truck operation to a flourishing, multifaceted business that provides a variety of services to individuals and larger corporations throughout the state providing jobs for nearly 50 employees in three different small Missouri communities.

O'Laughlin Inc., like thousands of small businesses across Missouri and across our nation, is a vital part of the rural communities in which it operates. Not only do Cindy and Russell provide good-paying jobs with benefits to dozens of industrious Missourians, they donate their time, effort and, yes, their money, to make their communities stronger and more vibrant.

When we talk here in this chamber about the policies we support and how they impact business owners, we are talking about exceptional Missourians like Cindy and Russell O'Laughlin. The decisions we make here help create a business environment that allows businesses like hers to succeed through good, old-fashioned hard work and determination and her success, and the success of so many other small businesses, is what drives our economic engine and allows our state to move in a more positive and prosperous direction.

Cindy, we thank you for all that you and your family have done to create such a successful Missouri business that supports Missouri communities and provides jobs to hard-working Missourians. As a legislature, we pledge to you that we will continue to support policies that keep your tax burden low, the bureaucratic red tape to a minimum, and allow you to continue the tradition of success that your family started 60 years ago.

For our final outstanding Missourian... it was more than 40 years ago that he immigrated to the United States from his native country of Chile. Today he lives and owns a successful business in Wildwood. Please help me make Sergio Cuevas feel welcome.

It has been my privilege to get to know Sergio and to learn his story – a story that personifies the American dream.

Sergio left behind a country oppressed by a communist regime to come to our great nation where he was able to quickly climb the ladder of success. He obtained a quality education, developed his business acumen as a salesman and a supervisor, and ultimately achieved his dream of owning and operating his own business.

He started his Missouri-based business in 2003 with one employee and one contract. Today, Clean-Tek Floor Solutions employs more than a dozen Missourians and has worked successfully with private businesses and governmental agencies on both the state and federal level. From the work his company has done with our department of transportation to waterproof 15 Missouri bridges, to the cleaning services Clean-Tek has provided to Lambert International Airport, Sergio and his employees have developed a reputation for providing quality work and exemplary service.

Sergio's dream was made possible because he left behind a country that was oppressed by an overly intrusive government where his freedoms were suppressed and his rights were ignored. He came here to our nation and our state where we defend these freedoms – where government stays out of the way so enterprising individuals like Sergio have the opportunity to succeed.

Sergio, we appreciate the commitment you have made to making your dream come true right here in Missouri and for being such a vital part of our state's growing economy. Our promise to you is that we will continue to protect the freedoms and rights that inspired you to leave your homeland and make the journey to America four decades ago, and we will keep government out of your way as you continue to grow and expand your business in the decades to come.

All three of these outstanding Missourians may seem to have little in common, but they share with each other, and with us, the dream of a Missouri where jobs are plentiful, our children have access to a quality system of education, and our energy needs are met in a safe and affordable way.

And it is together that we can move our state in the direction of achieving these goals of placing policy into practice and turning sound bites into substantive change.

This session I challenge all of you to put aside any differences we may have – whether partisan, regional or otherwise – and work together to advance an agenda I believe will position Missouri for both immediate and long-term prosperity.

The opportunity lies ahead. While the hours will be long and the challenges numerous, I know we, as a collective of conscientious and compassionate public servants, have the dedication and the determination necessary to make a difference.

Our work begins today.

It begins now.

Let me once again say thank you for providing me this incredible honor of serving you as your Speaker – for allowing me to work with you on matters that will make our great state of Missouri that much greater.

May God bless you all, and may God bless the people of the great state of Missouri.

NOMINATION FOR SPEAKER PRO TEM

Representative Curtman nominated Representative Jason Smith as Speaker Pro Tem of the House.

Representative Rehder seconded the nomination.

Representative Hummel nominated Representative Gail McCann Beatty for Speaker Pro Tem of the House.

Representative McCann Beatty withdrew her nomination.

Representative Diehl moved that nominations cease and Representative Smith (120) be elected by acclamation.

Which motion was adopted.

The following committee was appointed to escort Representative Smith (120) to the dais: Representatives Kelly (45), Fitzwater, Dugger, Rehder, Black, Entlicher, Lichtenegger, Hubbard, Torpey, McCaherty and Barnes.

Representative Smith (120) subscribed to the oath of office which was administered by the Honorable Bill Hickle, Judge of the 25th Circuit Court of Missouri.

Speaker Pro Tem Smith assumed the Chair.

ADDRESS BY SPEAKER PRO TEM SMITH

Before I say anything else, let me simply say thank you.

Thank you to my family and friends who have supported me in my efforts to serve the people of Missouri. Without their love and encouragement I would not be here today.

Let me also thank each of you...my colleagues here in the Missouri House...for giving me the immense honor of serving as your Speaker Pro Tem. For those of you who have served with me for years now...we have developed friendships that will endure long past our time in this chamber. For those of you who are joining us for the first time, I look forward to the relationships that we are sure to build...and the memories we will make in what I hope will be a productive final two years for me here in Jefferson City.

As your Speaker Pro Tem, I want each of you to know that my door will always be open. Regardless of the side of the aisle you are on, I will be here to help you in any way I can. There will be times that we disagree...and inevitably there will be some differences...but at the end of the day we are all bound by the same purpose...to do what is right and best for the people of the great state of Missouri.

As I begin my final two years of service...I do so with an unwavering belief that now, more than ever, the legislature must act to protect Missouri from the encroachment of an overreaching federal government...a government that is out of touch with reality...and threatening to re-define the basic relationship our founders envisioned between the people and their government.

These are perilous times as the rights of states continue to be threatened by a seemingly endless list of mandates and regulations handed down from above. From the job-killing, economy-crippling edicts contained in the ill-conceived federal health care plan...to the cumbersome and invasive regulatory efforts that threaten to put a stranglehold on many of the family farmers and small businesses that drive our economy...to the endless sea of bloated bureaucracy that transforms even the most mundane inquiry from a private citizen into a herculean task...the actions of our federal government have time and time again reminded us that we, as states, must fend for ourselves...that we will not receive help from our federal counterparts when it comes to defending the conservative principles of fiscal responsibility and a limited and responsive government.

With every action taken by these out of touch Washington D.C. bureaucrats...we are sent one very clear message...that they have forgotten it is we, the states and the people, who created the federal government...not the other way around. Instead they ignore the intentions of our founding fathers...by acting as if the federal government created the states.

But we know the great men who founded this nation believed otherwise. In fact it was Thomas Jefferson, who clearly spelled out their intentions when he said, "I consider the foundation of the Constitution as laid on this ground that 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people.'" And yet, Congress has defied the will of our founders...and worked to seize a boundless field of power...and in doing so, has encroached on the rights of states. Their arrogant disregard for the very nature of our system of government has given birth to policies that ignore our freedoms and trample on our rights, and with every action they have taken, they have forced states like ours to rally together to defend our sovereignty. So as we take action as states to stand in defense of our people...we simply follow the role defined by the men who created this nation.

I'm proud to say here in Missouri we have slapped away the overreaching hand of the federal government...with our passage of both the Health Care Freedom Act and last year's Proposition E...and with the many actions we have taken to defend our personal freedoms and embrace fiscal responsibility. In Missouri, we do not need the threats of "fiscal cliffs" and maxed-out "debt limits" to balance our budget and keep our fiscal house in order.

And we are not alone in our defense of the liberties of the people and in the conservative principles that have made this nation great. As we look across the nation, we see other states following our lead in telling the federal government it has gone too far. Furthermore, we see now that our states are truly the laboratories of democracy.

While Capitol Hill is firmly entrenched in a mindset of overtaxing and overspending...states are taking new and innovative approaches to solving the problems of their constituents...and bolstering their economies for long-term success.

From Texas where they are embracing revolutionary new ideas to help ensure all young people can afford a college education so they can train the workers of the future...to Kansas where they have taken bold steps to lower the tax burden, develop the workforce and put effective economic development tools in place...states are showing us the kind of leadership that is sorely lacking in Washington, D.C.

When it comes to a shining example of a government that embraces fiscally responsible spending...a commitment to reducing the size of bureaucracy and increasing the attention paid to the needs of the people...and a vision for the future that holds promise and hope rather than mountains of debt...it is the states we must look to for inspiration.

Our federal government, with a fiscal cliff solution that cuts spending far too little...and increases the tax burden far too much...has proven once and for all that it is too big and too out of touch to adequately address the needs of the people of the United States. And so, we as state legislators stand ready to answer the call to duty that our constituents elected us to carry out.

Here in Missouri, we will continue to provide Missouri-based solutions to the problems we face as Missourians.

As your Speaker Pro Tem, I hope you will stand with me to defend the traditional rights of farmers, hunters and fishermen. These proud and long-standing traditions that have been handed down from generation to generation have been under siege by Washington D.C. special interests and federal bureaucrats. These out-of-state radicals have sought to destroy an important part of the Missouri way of life.

Together we can stand in defense of our many farmers, hunters and fishermen...with language that will protect and preserve the time-honored traditions that Missouri families have carried on for generations...and that will forever enshrine this vital way of life that must continue if future generations are to have the kind of Missouri, and the kind of America, that our forefathers envisioned.

I also ask you to join me this session in taking a stand against our federal government on the issue of welfare reform. For more than a decade now the welfare-to-work program has been a successful model for helping put people back on their feet and back to work. Now the politicians in D.C. have opened the door to transform the system into a true entitlement program with handouts to those who have no desire to be productive members of society. This year in Missouri we will send the message loudly and clearly that we will reject their plans for a system that would encourage dependency on government handouts...and instead support a program that puts our neediest citizens on a path to gainful employment and self-sufficiency.

We have the opportunity this session to do great things for the people of Missouri...an opportunity to remind our federal government that we the people, and we the states, have the answers to the problems the career politicians in Washington, D.C. have been unable or unwilling to solve.

Across this nation, state legislatures just like ours are coming together to provide innovative solutions that should serve as inspiration for a federal government that has clearly lost its way.

Here in the people's House, we serve the will of those who elected us to office, and with every action we take, and every vote we make, we do so for the good of the families we serve.

Our founding fathers envisioned a government of citizen-legislators...and as I look across the chamber today, I see that vision is reality here in Missouri.

At a time when our federal government continues to stand in the way of progress and innovation...as it has grown too big and too burdensome...states have led the way. With the decisions we make together we send a message to the people of Missouri...and to the out-of-touch bureaucrats in Washington, D.C...that we, as a state, have done it better...and will continue to do it better both now and in the future.

Thank you again for giving me the immense honor of serving as your Speaker Pro Tem.

May God bless each and every one of you...and may God bless the great state of Missouri.

Speaker Jones resumed the Chair.

Pursuant to Section 9.141, RSMo, the Bill of Rights was read by Joy McMillan.

Speaker Jones resumed the Chair.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Carson Ross and Rylan Ross.

HOUSE RESOLUTIONS

Representative Diehl offered **House Resolution No. 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Rules of the House of Representatives of the Ninety-sixth General Assembly, and all amendments thereto, be the temporary Rules of the House of Representatives, Ninety-seventh General Assembly, until or unless otherwise ordered.

On motion of Representative Diehl, **House Resolution No. 1** was adopted.

Representative Diehl offered **House Resolution No. 2**, which was read.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the following be elected permanent officers of the House of Representatives of the Ninety-seventh General Assembly.

Chief Clerk. D. Adam Crumbliss
Doorkeeper. Don Knollmeyer
Sergeant-at-Arms. Ralph Robinett
Chaplain. Reverend Monsignor Robert Kurwicki

On motion of Representative Diehl, **House Resolution No. 2** was adopted.

The following officers subscribed to the oath of office, which was administered by the Honorable Timothy W. Jones, Speaker of the House.

Chief Clerk. D. Adam Crumbliss
Doorkeeper. Don Knollmeyer
Sergeant-at-Arms. Ralph Robinett
Chaplain. Reverend Monsignor Robert Kurwicki

Representative Diehl offered **House Resolution No. 3**, which was read.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

- Speaker. Timothy W. Jones
- Speaker Pro Tem. Jason Smith
- Chief Clerk. D. Adam Crumbliss
- Doorkeeper. Don Knollmeyer
- Sergeant-at-Arms. Ralph Robinett
- Chaplain. Reverend Monsignor Robert Kurwicki

On motion of Representative Diehl, **House Resolution No. 3** was adopted.

Representative Diehl offered **House Resolution No. 4**, which was read.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Diehl, **House Resolution No. 4** was adopted.

Representative Diehl offered **House Resolution No. 5**.

HOUSE RESOLUTION NO. 5

WHEREAS, the members of the Missouri House of Representatives take great pride in recognizing those outstanding public servants who have consistently performed their official duties with the highest degree of dedication, competence, and integrity; and

WHEREAS, the Honorable Robin Carnahan is to be praised and commended for the conscientious and effective manner in which she has performed her duty of presiding over the deliberations of the House of Representatives prior to its temporary organization, one of the numerous responsibilities of the Secretary of State pursuant to the Constitution of the Great State of Missouri; and

WHEREAS, since taking the oath in January 2005, the Honorable Robin Carnahan has distinguished herself through tireless commitment to each and every one of her responsibilities as Secretary of State; and

WHEREAS, since taking office, Secretary Carnahan has focused on providing excellent customer service, protecting investors, cutting red tape and costs of Missouri, businesses and ensuring the integrity and fairness of our elections; and

WHEREAS, as the state's chief elections official, Secretary Carnahan is dedicated to ensuring integrity and fairness in Missouri elections. Since taking office, she has partnered with local election officials to clean up Missouri's voter rolls by establishing the state's first statewide voter registration list and improved election day operations by recruiting and training additional poll workers:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, join unanimously in expressing sincere appreciation and deep gratitude to the Honorable Robin Carnahan for the proud and faithful manner in which she has served this legislative body and in wishing her only the best in her continuing endeavors after completing her service as Missouri's Secretary of State; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Robin Carnahan as a mark of our esteem for her.

On motion of Representative Diehl, **House Resolution No. 5** was adopted.

Representative Diehl offered **House Resolution No. 6.**

HOUSE RESOLUTION NO. 6

WHEREAS, as the Ninety-seventh General Assembly of the State of Missouri convenes on Wednesday, January 9, 2013, the members of the Missouri House of Representatives proudly acknowledge services rendered to the General Assembly by distinguished public servants of this fair state; and

WHEREAS, the Honorable Richard B. Teitelman, Chief Justice of the Supreme Court of Missouri, deserves countless words of praise and commendation for the selfless manner in which he has given his valuable time to administer the oath of office to members of this legislative body in accordance with Missouri law; and

WHEREAS, during the inaugural session of the House of Representatives, Chief Justice Teitelman displayed the highest degree of dedication in continuing the long-established tradition of rendering a sense of both dignity and solemnity in the prestigious ceremony which marks the official beginning of each legislator's two-year term in office as an elected representative of the people of Missouri; and

WHEREAS, it is entirely fitting and proper that this legislative body should take pause to applaud the numerous laudable achievements of the Honorable Richard B. Teitelman during his exemplary legal career:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, join unanimously in expressing our most sincere thanks and deepest appreciation to the Honorable Richard B. Teitelman for the devoted and faithful manner in which he has served this body and further extend our very best wishes for continued great success and even more outstanding accomplishments in executing his numerous varied duties and responsibilities as Chief Justice of our State's Highest Court; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Richard B. Teitelman as a mark of our esteem for him.

On motion of Representative Diehl, **House Resolution No. 6** was adopted.

HOUSE CONCURRENT RESOLUTIONS

Representative Diehl offered **House Concurrent Resolution No. 1**, which was read.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Monday, January 28, 2013, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Diehl, **House Concurrent Resolution No. 1** was adopted.

Representative Diehl offered **House Concurrent Resolution No. 2**, which was read.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 23, 2013, to receive a message from the Honorable Richard B. (Rick) Teitelman, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Diehl, **House Concurrent Resolution No. 2** was adopted.

HOUSE RESOLUTIONS

Representative Cierpiot offered House Resolution No. 7.

Representative Flanigan offered House Resolution No. 8.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 9 through House Resolution No. 21

HOUSE CONCURRENT RESOLUTION

Representative Sommer, et al., offered House Concurrent Resolution No. 3.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

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

HCR 4, introduced by Representative Scharnhorst, relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 2, introduced by Representative Black, relating to the general assembly.

HJR 3, introduced by Representatives Elmer, Jones (50), Morris, Lichtenegger, Davis, Koenig, Burlison, Curtman, Haahr, Korman, Hoskins, Richardson and Hough, relating to property taxation.

HJR 4, introduced by Representatives Neth, Dugger and Entlicher, relating to the term limit reform act.

HJR 5, introduced by Representative Dugger, relating to elections.

HJR 6, introduced by Representatives White and Burlison, relating to limitation of liability for noneconomic damages.

HJR 7, introduced by Representatives Smith (120), Jones (110), Riddle, Diehl, Scharnhorst, Barnes, Jones (50), Flanigan, Walker, Lichtenegger, Franklin, Haefner, Conway (104), Redmon, Fraker, Allen, Love, Hicks, Brown, Anderson, Pike, Wood, Hurst, Crawford, Remole, Entlicher, Wilson, Swan, Rehder, Cornejo, Dohrman, Cookson, Kelley (127) and Rowland, relating to the right to hunt, fish, and farm.

INTRODUCTION OF HOUSE BILLS

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

HB 26, introduced by Representative Lant, relating to an income tax deduction for storm shelters.

HB 28, introduced by Representatives Lichtenegger, Hinson and Richardson, relating to natural disaster ordinances.

HB 29, introduced by Representatives Lichtenegger, Zerr, Diehl and Allen, relating to insurance reimbursement for physical therapist services.

HB 30, introduced by Representative Scharnhorst, relating to insurance coverage for physical therapy services.

HB 31, introduced by Representative Gatschenberger, relating to alternatives-to-abortion agencies.

HB 32, introduced by Representative Guernsey, relating to property assessments.

HB 33, introduced by Representative Guernsey, relating to government meetings and records.

HB 34, introduced by Representative Guernsey, relating to wages for work done on behalf of a school.

HB 35, introduced by Representative Higdon, relating to alcohol regulation fees.

HB 36, introduced by Representative Higdon, relating to peace officer safety alerts.

HB 37, introduced by Representatives Roorda and Colona, relating to retailer hours on Thanksgiving Day.

HB 38, introduced by Representative Roorda, relating to altering or falsifying drug or alcohol tests or test results.

HB 39, introduced by Representative Roorda, relating to the Agreement Among the States to Elect the President by National Popular Vote Act.

HB 40, introduced by Representative Roorda, relating to taxation of unauthorized substances.

HB 41, introduced by Representative Rowland, relating to declarations of candidacy.

HB 42, introduced by Representative Rowland, relating to prohibition on certain policies that infringe on private property rights.

HB 43, introduced by Representative Rowland, relating to the school calendar.

HB 44, introduced by Representative Korman, relating to renewable energy definitions.

HB 45, introduced by Representative Hinson, relating to building codes.

HB 46, introduced by Representative Guernsey, relating to unmanned aerial surveillance.

HB 47, introduced by Representative Cross, relating to tanning facilities.

HB 48, introduced by Representative Dugger, relating to elections.

HB 49, introduced by Representative Dugger, relating to county annual budgets.

HB 50, introduced by Representative Lair, relating to school accreditation.

HB 51, introduced by Representatives Miller, Franklin, Wood and Fitzpatrick, relating to water quality standards for Missouri beaches.

HB 52, introduced by Representatives Miller, Pike and Fitzpatrick, relating to insurance reimbursement.

HB 53, introduced by Representative Gatschenberger, relating to insurance coverage.

HB 54, introduced by Representative Dugger, relating to recounts of votes.

HB 55, introduced by Representatives Flanigan and Allen, relating to amnesty for certain taxes.

HB 56, introduced by Representatives Thomson, Dugger, Ruzicka, Franklin, Fitzwater, Smith (120), Johnson, Rowland, Redmon, Phillips, Houghton, Hansen, Walker, Lichtenegger, Pike, Neely, Gatschenberger, Kolkmeier, Brown, Love, Remole and Crawford, relating to career and technical education.

HB 57, introduced by Representatives Fitzpatrick, Miller and Curtman, relating to the unlawful detention of citizens.

HB 58, introduced by Representative Molendorp, relating to portable electronics devices.

HB 59, introduced by Representative Engler, relating to licensure of nursing home administrators.

HB 60, introduced by Representative Engler, relating to the removal of weeds and trash in certain cities.

HB 61, introduced by Representative Engler, relating to the passage of ordinances in the city of Farmington.

HB 62, introduced by Representative Gatschenberger, relating to drivers' license examination fees.

HB 63, introduced by Representative Gatschenberger, relating to property tax bills.

HB 64, introduced by Representatives Burlison, Jones (110), Diehl, Anderson, Morris, Keeney, Brattin, Lant, Richardson, Allen, Jones (50), Reiboldt, Elmer, Frederick, Schatz, White, Cookson and Stream, relating to labor organizations.

HB 65, introduced by Representative Lant, relating to qualifications of certain aldermen.

HB 66, introduced by Representative Burlison, relating to fire protection district audits.

HB 67, introduced by Representative Higdon, relating to local law enforcement agencies.

HB 68, introduced by Representatives Kelley (127), Bahr, Berry, Davis, Reiboldt, Fitzwater, Entlicher, Crawford, Hoskins, Spencer, Remole, Lant, Gatschenberger, Anders and Black, relating to the designation of pancreatic cancer awareness month.

HB 69, introduced by Representatives Kelley (127), Davis, Bahr, Spencer, Remole, Gatschenberger and Black, relating to certain court actions against correctional facilities.

HB 70, introduced by Representatives Kelley (127), Brattin, Burlison, Berry, Davis, Bahr, Reiboldt, Jones (110), McCaherty, Fitzwater, Crawford, Entlicher, Redmon, Diehl, Fraker, Richardson, Jones (50), Gatschenberger, Smith (120), Keeney, Remole, Parkinson, Ruzicka, Lant and Black, relating to teachers and school administrators carrying concealed firearms on school premises.

HB 71, introduced by Representative Fraker, relating to motor vehicle fee offices.

HB 72, introduced by Representative Barnes, relating to tanning facilities.

HB 73, introduced by Representatives Barnes, Davis and Burlison, relating to drug courts.

HB 74, introduced by Representative Gatschenberger, relating to political subdivisions.

HB 75, introduced by Representative Gatschenberger, relating to political subdivisions.

HB 76, introduced by Representatives Rowland and Cookson, relating to Missouri school improvement program standards.

HB 77, introduced by Representatives Burlison, Jones (110), Brattin, Diehl, Lichtenegger, Lant, Morris, Reiboldt, Elmer, Frederick, Bahr, Schatz, White, Dugger, Ross, Cookson, Anderson and Kelley (127), relating to labor organizations.

HB 78, introduced by Representative Johnson, relating to the Missouri Jobs for Education Program.

HB 79, introduced by Representative Johnson, relating to the Missouri International Business Advertising Fund.

HB 80, introduced by Representative Johnson, relating to a tax credit for construction of data centers.

HB 81, introduced by Representative Johnson, relating to the Missouri international agriculture exchange website.

HB 82, introduced by Representative Johnson, relating to corporate income taxation.

HB 83, introduced by Representative Berry, relating to a tax credit for processed biomass engineered fiber fuel.

HB 84, introduced by Representatives Berry and Neth, relating to fines and court costs for traffic violations.

HB 85, introduced by Representatives Kelley (127), Davis, Bahr, Reiboldt, Spencer, Remole, Lant and Black, relating to emergency utility response permits.

HB 86, introduced by Representatives Ruzicka, Lair and Higdon, relating to charges in criminal cases.

HB 87, introduced by Representatives Burlison, Davis, Funderburk, Jones (110), Diehl, Morris, Neth, Bahr, White, McCaherty, Kratky, Kelley (127), Lant, Phillips, Gatschenberger, Black and Korman, relating to certain benevolent tax credits.

HB 88, introduced by Representative Burlison, relating to drug courts.

HB 89, introduced by Representative Colona, relating to the crime of failure to secure a firearm.

HB 90, introduced by Representatives Gosen, Molendorp and Wieland, relating to intervention of insurers in civil lawsuits.

HB 91, introduced by Representatives Lichtenegger, Jones (110), Burlison and Bahr, relating to labor organizations.

HB 92, introduced by Representative Gatschenberger, relating to concealed carry endorsements.

HB 93, introduced by Representatives Lichtenegger, Torpey, Hampton and Elmer, relating to retirement benefits.

HB 94, introduced by Representatives Miller and Hicks, relating to license and permit fees for certain nonresidents.

HB 95, introduced by Representatives White, Brattin and Burlison, relating to labor organizations.

HB 96, introduced by Representative White, relating to tax increment financing.

HB 97, introduced by Representatives White and Burlison, relating to the prevailing wage on low-income housing.

HB 98, introduced by Representatives White and Burlison, relating to prevailing wages.

HB 99, introduced by Representative White, relating to health insurance providers.

HB 100, introduced by Representative White, relating to the adult health care consent act.

HB 101, introduced by Representative White, relating to child abuse.

HB 102, introduced by Representative White, relating to adoption proceedings.

HB 103, introduced by Representatives Kelley (127), Berry, Davis, Reiboldt, Remole and Black, relating to all-terrain and utility vehicle use in municipalities.

HB 104, introduced by Representatives Solon and Cierpiot, relating to neighborhood improvement districts.

HB 105, introduced by Representatives Kelley (127), Davis, Bahr, Spencer, Lant, Gatschenberger and Black, relating to withholding tax returns.

HB 106, introduced by Representatives Kelley (127), Davis, Reiboldt, Spencer, Gatschenberger and Black, relating to the sex offender registry.

HB 107, introduced by Representative Berry, relating to adoption.

HB 108, introduced by Representatives Kelley (127), Davis, Lant and Black, relating to making a false declaration.

HB 109, introduced by Representative Berry, relating to caffeinated malt beverages.

HB 110, introduced by Representatives Smith (120), Walker, Lichtenegger, Franklin, Haefner, Conway (104), Scharnhorst, Gatschenberger, Pike, Entlicher, Crawford, Rowland and Solon, relating to vacancies in certain statewide offices.

HB 111, introduced by Representatives Solon, Cierpiot and Torpey, relating to school enrollment options for students from unaccredited districts.

HB 112, introduced by Representatives Burlison, Jones (110), Diehl, Molendorp, Morris, Richardson, Smith (120), Frederick, Lant, Allen, Brattin, Gosen, Bahr, Schatz, Cookson, Stream, Koenig, Kelley (127) and Phillips, relating to claims arising out of the rendering of or failure to render health care services.

HB 113, introduced by Representatives Davis and Solon, relating to uniformed military voters.

HB 114, introduced by Representatives Davis and Solon, relating to educational credits for veterans.

HB 115, introduced by Representatives Davis and Solon, relating to the disclosure of private information to employers.

HB 116, introduced by Representative Dugger, relating to county government accounts audits.

HB 117, introduced by Representative Dugger, relating to initiative and referendum petitions.

HB 118, introduced by Representative Shull, relating to closed meetings.

HB 119, introduced by Representative Berry, relating to the net metering and easy connection act.

HB 120, introduced by Representative Rowland, relating to teacher contracts.

HB 121, introduced by Representative Barnes, relating to the appointment of guardians ad litem.

HB 122, introduced by Representative Dugger, relating to overweight vehicles hauling recyclable waste.

HB 123, introduced by Representatives Neth and Berry, relating to transient guest taxes.

HB 124, introduced by Representative Gatschenberger, relating to the manufacturing jobs act.

HB 125, introduced by Representatives Sommer, Berry and Kelley (127), relating to qualifications of voters.

HB 126, introduced by Representative Sommer, relating to nominations of candidates for special elections.

HB 127, introduced by Representatives Sommer, Berry and Kelley (127), relating to the presidential primary date.

HB 128, introduced by Representatives Sommer, Berry and Kelley (127), relating to property tax bills.

HB 129, introduced by Representative Gatschenberger, relating to Missouri state employee benefits.

HB 130, introduced by Representatives Gosen, Rowland, Conway (104), Haefner, Cierpiot, Solon, Sommer and Kelley (127), relating to gold star license plates.

HB 131, introduced by Representative Stream, relating to the treatment of eating disorders.

HB 132, introduced by Representative Stream, relating to health insurance coverage.

HB 133, introduced by Representatives Gosen, Molendorp and Wieland, relating to reinsurance.

HB 134, introduced by Representatives Allen, Flanigan, Zerr, Hough, Haefner and Lichtenegger, relating to school safety.

HB 135, introduced by Representatives Diehl and Jones (110), relating to the authority of political subdivisions to enter into design-build contracts.

HB 136, introduced by Representatives Hinson and Lichtenegger, relating to math and science coursework.

HB 137, introduced by Representatives Hinson, Miller, Rowland, Lichtenegger and Bahr, relating to state implementation of federal programs.

HB 138, introduced by Representative Dugger, relating to county annual budgets.

HB 139, introduced by Representatives McManus, Hummel, Englund, LaFaver, Morgan, McCann Beatty, Anders, English, Carpenter, Meredith, Ellinger, Swearingen, Conway (10), Burns, Mims, Dunn, Montecillo, Black, Roorda, Nichols, Schupp, Kratky, May, Harris, Newman, Pace, Otto, Norr, McNeil, Butler, Webb, Runions, Webber, Pierson, McKenna, Wright, McDonald, Kirkton, Mayfield, Walton Gray, Schieffer, Hodges, Rizzo, Mitten and Kelly (45), relating to ethics.

HB 140, introduced by Representative Thomson, relating to transient guest taxes for tourism purposes.

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 **SR 2**.

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-seventh General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem.....Tom Dempsey
Secretary of Senate.....Terry L. Spieler
Sergeant-at-Arms.....Bill Smith

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 1**.

SENATE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 14, 2013; and

BE IT FURTHER RESOLVED that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

COMMUNICATIONS

January 8, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
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 a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a minority owner in a craft brewery located within the state of Missouri.

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/ Don Gosen
Representative
101st District

January 8, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
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 a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a licensed insurance producer and own an insurance agency located within the state of Missouri.

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/ Don Gosen
Representative
101st District

January 8, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
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 a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a Notary in the state of Missouri.

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/ Don Gosen
Representative
101st District

January 9, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
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 a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member 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/ Mike Lair
Representative
District 7

WITHDRAWAL OF HOUSE JOINT RESOLUTION

TO: Chief Clerk D. Adam Crumbliss
FROM: Representative Tony Dugger
DATE: December 18, 2012
SUBJECT: Removal of **House Joint Resolution No. 1**

I respectfully request that **House Joint Resolution No. 1**, which proposes a constitutional amendment specifying that general law may require a person to provide valid government-issued photo identification in order to vote in an election, be removed.

If you have any questions or wish to discuss this request further, please feel free to contact my office.

WITHDRAWAL OF HOUSE BILLS

December 4, 2012

The Honorable Tim Jones
Speaker, Missouri House of Representatives
Room 308, State Capitol
201 W. Capitol Ave.
Jefferson City, MO 65101

Dear Speaker Jones:

I respectfully ask permission to withdraw **House Bill No. 27**. Due to a change in the language the bill will need to be re-filed under a different number.

Thank you for your assistance in this matter.

Sincerely,

/s/ Bill Lant
District 159

TO: D. Adam Crumbliss, Chief Clerk
FROM: Representative Tony Dugger
DATE: January 9, 2013
SUBJECT: Withdrawal of **House Bill No. 49**

I respectfully request that **House Bill No. 49**, which authorizes a county to amend its budget to reflect any increases or decreases in revenues that could not have been estimated or anticipated when the budget was adopted, be withdrawn.

If you have any questions regarding this matter feel free to contact my office.

LETTER OF OBJECTION

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Crumbliss:

We the undersigned hereby object to the swearing-in of candidate Kent Hampton as state representative for the 150th District pending the outcome of a valid election to determine who should represent the district in the Missouri House of Representatives during the 97th General Assembly.

Pursuant to RSMo. 115.600, the election authority for Dunklin County petitioned the court for a new election in the 150th District due to mistakes by the election authority that cast doubt on the validity of the November 6, 2012, general election in that district. A judge has agreed the November 6 results are not valid and has ordered a new election.

None of the parties to the court action – including Candidate Hampton – has claimed that the November 6 results are valid and even Candidate Hampton has agreed that a new election must be held. The dispute remaining to be resolved by the courts is whether the law authorizes a partial new election in only certain precincts or if an entirely new election must be held.

As a result, it was improper to administer the oath of office to Candidate Hampton and seat him in the 97th General Assembly when he hasn't yet been validly elected to the office and resolution of the situation remains pending. Should Candidate Hampton lose the upcoming new election in the 150th District, any votes he casts prior to that time could be called into question and potentially jeopardize the validity of legislative actions.

Sincerely,

/s/ Jake Hummel
House Minority Floor Leader
State Representative District 81

/s/ Gail McCann Beatty
House Assistant Minority Floor Leader
State Representative District 26

Valda Stroesser and Sarah Alsager of Jefferson City, MO, sang the National Anthem.

The benediction was given by Monsignor Robert A. Kurwicky.

“Behold,” saith the Lord, “I have set before thee an open door.” (Revelation 3:8)

Almighty God, as we enter the door of a new year and of a new session of the House of Representatives we pause in Your presence to offer unto You the devotion of our hearts and to pray for guidance, strength, and wisdom as we face the crucial days and weeks that lie ahead.

In this high hour of a new beginning give to us, the new leaders of our House and people, a deep sense of humility, a broad spirit of understanding, a great attitude of good will, and a real faith in You that we may govern well, by the votes we cast this year, for the good of all and that freedom and justice may live long in Missouri. In this time of transition may there be a spirit of unity among us and may we go forward together to a greater House and a better state.

And the House says, “Amen!”

RECESS

Representative Diehl moved that the House stand in recess for the reading of the Preamble and Article I of the Missouri State Constitution and then stand adjourned until 10:00 a.m., Thursday, January 10, 2013.

The Preamble and Article I of the Missouri State Constitution were read by members of the 97th General Assembly.

ADJOURNMENT

Pursuant to the motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, January 10, 2013.

HOUSE CALENDAR

SECOND DAY, THURSDAY, JANUARY 10, 2012

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 4

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 2 through HJR 7

HOUSE BILLS FOR SECOND READING

- 1 HB 26
- 2 HB 28 through HB 48
- 3 HB 50 through HB 140