

# JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

TWELFTH DAY, WEDNESDAY, JANUARY 26, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*God is not far from each one of us, for in Him we live and move and have our being. (Acts 17:28)*

O You in Whom we live and move and have our being, without Whom no one is strong, no one is good, we pause in Your presence this morning once again to lift our hearts to You in prayer. We need You, our God, we need You as we confront the problems of this day, as we endeavor to meet the challenges of this hour and as we seek to make wise use of the living of these days that we fail not our citizens nor You. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Olivia Hairston.

The Journal of the eleventh day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 278 through House Resolution No. 306

## HOUSE CONCURRENT RESOLUTIONS

Representative Walton Gray, et al., offered House Concurrent Resolution No. 20.  
Representative Walton Gray, et al., offered House Concurrent Resolution No. 21.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 19** was read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 13** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 299** through **HB 316** were read the second time.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 1** was read the second time.

**PERFECTION OF HOUSE BILL**

**HCS HBs 73 & 47**, relating to temporary assistance benefits, was taken up by Representative Brandom.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 73 & 47, Page 1, Section 208.027, Line 4, by deleting the word "**cause**" and inserting in lieu thereof the word "**suspicion**"; and

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

Representative Barnes offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill Nos. 73 & 47, Page 1, Line 2, by inserting after all of said line the following:

'Further amend said page and section, Line 5, by inserting after the word "**substances.**", the following:

**"In implementing the provisions of this section the department shall not discriminate against any work-eligible applicant or work-eligible recipient on the basis of race or ethnicity."**; and"; and

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

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

On motion of Representative Richardson, **House Amendment No. 1, as amended**, was adopted.

Representative Kirkton offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 73 & 47, Page 2, Section 208.037, Line 26, by inserting after all of said line the following:

**"3. The provisions of this section shall not take effect in any given fiscal year until such time as appropriations by the general assembly for substance abuse treatment programs offered by the division of alcohol and drug abuse within the department of mental health increase capacity by the number of currently sanctioned temporary assistance for needy families participants, plus the number currently on a waiting list for treatment and notice of such appropriations has been given to the revisor of statutes.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Kirkton moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

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

Representative Smith (150) raised a point of order that **House Amendment No. 3** is out of order pursuant to Rule 46(d).

Representative Kelly (24) raised an additional point of order that the first point of order is untimely.

The Chair ruled the first point of order well taken.

Representative Silvey offered **House Amendment No. 4**.

Representative Riddle raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Still offered **House Amendment No. 5**.

Representative Cox raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Oxford offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill Nos. 73 & 47, Page 1, Section 208.027, Lines 9 through 10, by deleting all of said lines and inserting in lieu thereof the following:

**“536 and for a period of one year from the date of the administrative hearing decision, have any temporary assistance for needy families moneys held by a third party for the payment of the recipient's eligible expenses during such one-year period. The department shall”; and**

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

Representative Oxford moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 054

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Colona	Conway 27	Curls
Ellinger	Fallert	Harris	Hodges	Holsman
Hubbard	Hummel	Jones 63	Kander	Kelly 24
Kirkton	Kratky	Lampe	May	McCann Beatty
McDonald	McGeoghegan	McManus	McNeil	Meadows
Montecillo	Nasheed	Newman	Nichols	Oxford
Pace	Peters-Baker	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Talboy	Taylor
Walton Gray	Webb	Webber	Zimmerman	

NOES: 105

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Faith	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McNary	Molendorp	Nance
Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Stream	Swinger	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50                      Hughes                      Largent                      McGhee

On motion of Representative Brandom, **HCS HBs 73 & 47, as amended**, was adopted.

On motion of Representative Brandom, **HCS HBs 73 & 47, amended**, was ordered perfected and printed by the following vote:

AYES: 121

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Burlison	Casey	Cauthorn
Cierpiot	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Entlicher
Faith	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Johnson
Jones 89	Jones 117	Kander	Keeney	Kelley 126
Kelly 24	Klippenstein	Koenig	Korman	Kratky
Lair	Lampe	Lant	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McManus	McNary	Meadows
Molendorp	Nance	Neth	Nolte	Parkinson
Phillips	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Shively	Shumake	Sifton
Smith 150	Solon	Stream	Swinger	Thomson
Torpey	Wallingford	Webber	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 037

Anders	Atkins	Carlson	Carter	Colona
Curls	Ellinger	Elmer	Holsman	Hubbard
Hummel	Jones 63	Kirkton	May	McCann Beatty
McDonald	McGeoghegan	McNeil	Montecillo	Nasheed
Newman	Nichols	Oxford	Pace	Peters-Baker
Pierson	Rizzo	Schupp	Smith 71	Spreng
Still	Swearingen	Talboy	Taylor	Walton Gray
Webb	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50                      Hughes                      Largent                      McGhee                      Silvey

### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HBs 73 & 47** - Fiscal Review (Fiscal Note)

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

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

**SCR 1** - Rules

### **COMMITTEE REPORT**

**Committee on Rules**, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 163**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

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

**HJR 14**, introduced by Representatives Cox, Gatschenberger, Fisher and Dugger, relating to voter identification.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 317**, introduced by Representatives Colona, Hummel, Peters-Baker, McGeoghegan, Pace, Walton Gray, Carter and Spreng, relating to text messaging while operating a motor vehicle.

**HB 318**, introduced by Representative Brandom, relating to insurance reimbursement for physical therapist services.

**HB 319**, introduced by Representative Fisher, relating to public contracts.

**HB 320**, introduced by Representative Fisher, relating to public construction.

**HB 321**, introduced by Representatives Walton Gray, Meadows, Pace, Still, Ellinger, May, Oxford, Carter, Jones (63), Newman, Funderburk and Brown (50), relating to the designation of organ donor recognition day.

**HB 322**, introduced by Representatives Walton Gray, Meadows, Fallert and Brown (50), relating to liquor control.

**HB 323**, introduced by Representatives Walton Gray, Meadows, Pace, Nasheed, Ellinger and Brown (50), relating to mortgages.

**HB 324**, introduced by Representatives Walton Gray, Meadows, Pace, Ellinger, Schupp and Atkins, relating to vacation leave for state employees.

**HB 325**, introduced by Representatives Cauthorn, Houghton, Lant, Jones (117), Richardson, Brown (116), Redmon, Reiboldt, Quinn, Schad, Kelly (24), Lair, Loehner, Shively and Conway (27), relating to hand fishing.

**HB 326**, introduced by Representative Burlison, relating to professional counselors.

**HB 327**, introduced by Representatives Wallingford, Wright, Lichtenegger, Brandom and Hodges, relating to the circuit court of Cape Girardeau County.

**HB 328**, introduced by Representatives Koenig, Funderburk, Curtman, McCaherty, Davis, Smith (150), Long, Stream, Guernsey, Phillips, Faith, Keeney, Reiboldt, Bahr, Allen, Rowland, Dugger, Schoeller, Parkinson, Gosen, Fisher, Kelley (126) and Cross, relating to the abortion-inducing drugs safety act.

**HB 329**, introduced by Representatives Diehl, Cox, Gatschenberger, Fisher and Dugger, relating to elections.

**HB 330**, introduced by Representative Franz, relating to license plates for property-carrying commercial motor vehicles.

**HB 331**, introduced by Representative Franz, relating to waiver of background check for purchasing firearms.

**HB 332**, introduced by Representatives Franz, Lant, Fitzwater and Schad, relating to the puppy mill cruelty prevention act.

**HB 333**, introduced by Representatives Shumake, Burlison, Redmon, Funderburk, Koenig, Largent, Kelley (126), Rowland, Denison and Wallingford, relating to the use of religious books in public schools.

**HB 334**, introduced by Representatives Barnes and Fitzwater, relating to the prevention and treatment of head injuries among student athletes.

**HB 335**, introduced by Representatives Burlison, Schoeller, Jones (89) and Kelly (24), relating to political subdivision taxes.

**HB 336**, introduced by Representatives Burlison, Tilley, Jones (89), Diehl, Talboy, Jones (117), McNary, Dieckhaus, Carter, Hummel, Webber, Curls and Hubbard, relating to tax incentives to attract sporting events to Missouri.

**HB 337**, introduced by Representatives Wells, Schad, Dugger, Wright, Denison, Stream, Pollock, Funderburk, Neth, Scharnhorst, Nance and Fitzwater, relating to text messaging while operating motor vehicles.

**HB 338**, introduced by Representatives Pollock, Tilley, Schoeller, Scharnhorst, Webb, Jones (89) and Diehl, relating to telecommunications.

**HB 339**, introduced by Representatives Pollock, Tilley, Schoeller, Scharnhorst, Webb, Jones (89), Diehl, Neth, Riddle and Dugger, relating to telecommunications.

## COMMUNICATIONS

January 26, 2011

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

RE: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am filing a written report of a possible personal interest in legislation on which the House of Representatives may vote on. My wife, Mary Conway is a court reporter and her salary is contained in the State Courts Administrator Budget.

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

Thank you.

Sincerely,

/s/ Pat Conway  
District 27

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January 19, 2011

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

Dear Mr. Crumbliss:

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

As an agent for Farmers Insurance, sole owner of Chris Molendorp Insurance Agency Inc., I sell and service multiple lines of the insurance. My wife, Julie Molendorp owns Molendorp Appraisals, Inc., a company which provides residential and commercial appraising services for contract vendors. Responsibilities of this company require us to work in the property valuation/real estate industry.

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

Best regards,

/s/ Chris Molendorp  
District 123

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January 25, 2011

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

Dear Mr. Crumbliss:

Pursuant to Section 105.461 of the Revised Statutes of Missouri, this letter is to advise I am hereby filing a written report with your office of a possible personal interest on which the House of Representatives may vote on during the legislative session. I have a son who is employed with the Missouri Department of Corrections; and some of the issues, bills and amendments that I will be voting on could have a direct impact on my family.

I request that you please publish this letter in the Journal of the House. Thanking you in advance, I remain.

Sincerely yours,

/s/ Paul Quinn  
State Representative  
District 9

The following members' presence was noted: Brown (50), Largent and McGhee.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Thursday, January 27, 2011.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Thursday, January 27, 2011, House Hearing Room 3 upon morning adjournment.

Public hearing to be held on: HB 131, HB 94, HB 99

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

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

Wednesday, February 2, 2011, 2:00 PM House Hearing Room 5.

Department of Health and Senior Services FY 2012 budget presentation.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Monday, January 31, 2011, 7:30 PM House Hearing Room 4.

Department of Corrections Budget.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 1, 2011, 2:00 PM House Hearing Room 3.

Department of Corrections Budget.

Convene at 2:00 pm, short recess for dinner, reconvene meeting after recess.

BUDGET

Thursday, January 27, 2011, 8:00 AM House Hearing Room 3.

Supplementals.

DOWNSIZING STATE GOVERNMENT

Thursday, January 27, 2011, 8:00 AM House Hearing Room 4.

Public hearing to be held on: HB 44, HB 139, HB 235

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

FISCAL REVIEW

Thursday, January 27, 2011, 1:15 PM South Gallery.

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

Any bills referred to the committee.

CORRECTED

HEALTH INSURANCE

Tuesday, February 1, 2011, 12:00 PM House Hearing Room 5.

Informational Meeting.

INSURANCE POLICY

Monday, January 31, 2011, 5:00 PM House Hearing Room 1.

Public hearing to be held on: HB 148

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

RETIREMENT

Thursday, January 27, 2011, 9:00 AM House Hearing Room 1.

Organizational Meeting.

RULES

Thursday, January 27, 2011

House Hearing Room 7, upon morning adjournment or 12:30 PM, whichever is later.

Public hearing to be held on: SCR 1

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

Rules Pursuant will follow: HCR 18, SCR 1

**TOURISM AND NATURAL RESOURCES**

Thursday, January 27, 2011, 8:00 AM House Hearing Room 7.  
Public hearing to be held on: HB 192, HB 189, HB 190, HB 191

**TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS**

Thursday, January 27, 2011, 8:00 AM House Hearing Room 6.  
Public hearing to be held on: HB 137, HB 126

**WAYS AND MEANS**

Thursday, January 27, 2011, 8:00 AM House Hearing Room 5.  
Public hearing to be held on: HB 151, HB 116, HB 55

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Thursday, January 27, 2011, 8:00 AM South Gallery.  
Executive session only.

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, January 31, 2011, 12:00 PM House Hearing Room 6.  
Public hearing to be held on: HB 205, HB 226  
Executive session may be held on any matter referred to the committee.

**HOUSE CALENDAR**

THIRTEENTH DAY, THURSDAY, JANUARY 27, 2011

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 14

**HOUSE BILLS FOR SECOND READING**

HB 317 through HB 339

**HOUSE BILLS FOR PERFECTION**

HCS HB 163 - Fisher

**HOUSE BILLS FOR THIRD READING**

HCS HBs 73 & 47, (Fiscal Review 1-26-11) - Brandom

**HOUSE RESOLUTIONS**

HR 274, (1-25-11, Pages 217-222) - Jones (89)