

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

THIRTEENTH DAY, THURSDAY, JANUARY 27, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*I am the vine, you are the branches. He that abideth in Me, and I in him, the same bringeth forth much fruit.
(John 15:5)*

We thank You, our Father, for Your spirit which follows us all our days, for Your love which will not let us go, and for the strength of Your presence which never lets us down. Help us to open wide the door of our hearts that we may receive Your spirit, welcome Your love, claim the strength of Your presence and be made ready for the experiences and responsibilities of this day in this Chamber.

By Your grace may we put goodness before evil, truth before falsehood, high principles before low prejudices, the rights of the weak before the wrongs of the strong, and may we put You above all else in our hearts, minds and souls. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twelfth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 307 through House Resolution No. 323

HOUSE CONCURRENT RESOLUTION

Representative Fallert, et al., offered House Concurrent Resolution No. 22.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 14 was read the second time.

SECOND READING OF HOUSE BILLS

HB 317 through **HB 339** were read the second time.

HOUSE RESOLUTION

HR 274, relating to Ethics Rules of Procedure, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HR 274** was adopted by the following vote:

AYES: 159

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 85	Brown 116	Burlison
Carlson	Carter	Casey	Cauthorn	Cierpiot
Colona	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curls	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Ellinger	Elmer	Entlicher	Faith	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Harris	Higdon	Hinson	Hodges	Holsman
Hoskins	Hough	Houghton	Hubbard	Hummel
Johnson	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelley 126	Kelly 24	Kirkton	Klippenstein
Koenig	Korman	Kratky	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McCann Beatty	McDonald	McGeoghegan
McGhee	McManus	McNary	McNeil	Meadows
Molendorp	Montecillo	Nance	Nasheed	Neth
Newman	Nichols	Nolte	Oxford	Pace
Parkinson	Phillips	Pierson	Pollock	Quinn
Redmon	Reiboldt	Richardson	Riddle	Rizzo
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schieber	Schieffer	Schneider	Schoeller
Schupp	Shively	Shumake	Sifton	Silvey
Smith 71	Smith 150	Solon	Spreng	Still
Stream	Swearingen	Swinger	Talboy	Taylor
Thomson	Torpey	Wallingford	Walton Gray	Webb
Webber	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50	Hughes	Peters-Baker	Zimmerman
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REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

- HCR 4** - Transportation Funding and Public Institutions
- HCR 12** - Downsizing State Government
- HCR 13** - Higher Education
- HCR 15** - Tourism and Natural Resources
- HCR 19** - General Laws

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 5** - Rural Community Development
- HJR 10** - Elementary and Secondary Education

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 33** - Transportation
- HB 36** - Tax Reform
- HB 38** - Corrections
- HB 41** - Crime Prevention and Public Safety
- HB 64** - Financial Institutions
- HB 68** - Small Business
- HB 75** - Judiciary
- HB 82** - Special Standing Committee on Renewable Energy
- HB 85** - Economic Development
- HB 89** - Tourism and Natural Resources
- HB 96** - Agri-Business
- HB 97** - Tourism and Natural Resources
- HB 104** - Transportation Funding and Public Institutions
- HB 115** - Crime Prevention and Public Safety
- HB 128** - Judiciary
- HB 130** - Judiciary
- HB 135** - Workforce Development and Workplace Safety
- HB 140** - Crime Prevention and Public Safety
- HB 141** - Transportation
- HB 143** - Children and Families
- HB 152** - Tax Reform
- HB 153** - Transportation
- HB 155** - Crime Prevention and Public Safety
- HB 187** - Elections
- HB 198** - Tourism and Natural Resources
- HB 201** - Health Care Policy

HB 221 - Workforce Development and Workplace Safety
HB 222 - Ways and Means
HB 227 - Judiciary
HB 233 - General Laws
HB 240 - Elections
HB 241 - Elementary and Secondary Education
HB 263 - Retirement
HB 265 - Professional Registration and Licensing
HB 266 - Agri-Business
HB 273 - Elementary and Secondary Education
HB 274 - General Laws
HB 276 - General Laws
HB 277 - General Laws
HB 280 - Health Insurance
HB 282 - Retirement
HB 292 - Ways and Means
HB 303 - Veterans
HB 315 - Downsizing State Government
HB 316 - Ways and Means

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Stream reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 73 & 47** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Workforce Development and Workplace Safety, Chairman Fisher reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 91**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 162**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 1**, 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 15, introduced by Representatives Ruzicka, Fisher, Lant, Houghton and Phillips, relating to bird, fish, game, wildlife, or forestry resources.

INTRODUCTION OF HOUSE BILLS

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

HB 340, introduced by Representatives Klippenstein, Guernsey, Redmon, Fitzwater, Berry, Barnes and Lair, relating to the erection and maintenance of jails.

HB 341, introduced by Representatives Riddle, Franz, Funderburk and Cox, relating to petitions to remove firearms disqualification.

HB 342, introduced by Representatives Still, Carlson, Pierson, Ellinger, Pace, Oxford, Atkins, McNeil, Schupp, McCann Beatty and Meadows, relating to cigarette taxes.

HB 343, introduced by Representatives Still, Carlson, Pierson, Ellinger, Pace, Walton Gray, Kelly (24), Oxford, Atkins, McNeil, Schupp, Kirkton, McCann Beatty and Meadows, relating to cigarette taxes.

HB 344, introduced by Representative Guernsey, relating to the farm-to-table advisory board.

HB 345, introduced by Representatives Guernsey and Klippenstein, relating to the agricultural business development loan program.

HB 346, introduced by Representatives Guernsey, Loehner, Wells, Cauthorn, Schad, Hough, Ruzicka, Houghton, Rowland, Fraker, Crawford, Korman, Shively, Quinn and Hodges, relating to sales tax exemptions for captive wildlife.

HB 347, introduced by Representatives Kirkton, Tilley, Zimmerman, Ellinger, Schupp, Still, Weter, Atkins and Frederick, relating to the prompt credentialing act.

HB 348, introduced by Representatives Newman, Lampe, Schupp, Peters-Baker, Carlson, Webb, Kander, Talboy, Oxford, Nichols, Carter, Colona, Jones (63), McGeoghegan, Montecillo, Pace, Walton Gray, Webber, Kirkton, Spreng and Sifton, relating to the duty of a pharmacy to fill prescriptions.

HB 349, introduced by Representatives Newman, Colona, Carlson, McDonald, Pace, Kirkton, Nichols, Smith (71), Peters-Baker, McNeil, Lampe, Schupp, Webb, Talboy, Oxford, Carter, Anders, Jones (63), McGeoghegan, Montecillo, Walton Gray, Spreng and Sifton, relating to equal employment practices.

HB 350, introduced by Representatives Newman, Colona, Carlson, McDonald, Pace, Kirkton, Nichols, Smith (71), Peters-Baker, McNeil, Carter, Lampe, Still, Schupp, Webb, Talboy, Oxford, Atkins, Nichols, Kander, Jones (63), McGeoghegan, Montecillo, Walton Gray, Webber, Spreng and Sifton, relating to increasing preventative health services in the state through the prevention first act.

HB 351, introduced by Representatives McNeil, Newman, Oxford, Conway (27) and Schupp, relating to election judges.

HB 352, introduced by Representatives Wallingford, Fitzwater, Cookson, Thomson, Lichtenegger, Neth, Wright, Hampton, Parkinson, Reiboldt, McNary, Cauthorn, Long, Hodges, Taylor, Berry, Brandom, Shumake, Rowland, Montecillo and Aull, relating to science, technology, engineering, and mathematics education.

HB 353, introduced by Representatives Wyatt, Redmon, Leach, Conway (14), Kelly (24), Zerr, Fitzwater, Koenig and Bahr, relating to insurance producer licenses.

HB 354, introduced by Representatives Faith, Zerr, Parkinson, Funderburk, Schneider, Gatschenberger and Dieckhaus, relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

HB 355, introduced by Representative Faith, relating to motorcycle operator's licenses.

HB 356, introduced by Representatives Phillips, Ruzicka, Lair, Flanigan, Lant, Rowland, Houghton, Reiboldt, Schad, Wright and McCaherty, relating to making a false declaration.

HB 357, introduced by Representative Leara, relating to enhanced enterprise zones.

HB 358, introduced by Representatives Leara and Colona, relating to police retirement.

HB 359, introduced by Representative Leara, relating to payday loans.

HB 360, introduced by Representative Leara, relating to the Missouri local government employees' retirement system.

HB 361, introduced by Representative Leara, relating to the Missouri firearms freedom act.

HB 362, introduced by Representatives Scharnhorst, Dieckhaus, Jones (89), Stream, Lair, McNary, Schoeller, Tilley and Brandom, relating to the Missouri special needs scholarship tax credit program known as Bryce's Law.

HB 363, introduced by Representatives Colona, Jones (89), Hummel, Jones (63), Kratky, Montecillo, Carter, Pace, Hubbard, May, Oxford, Pierson, Sifton, Newman, Carlson, Black, Swearingen, Nasheed, Franz and Diehl, relating to the designation of a memorial highway.

HB 364, introduced by Representatives Parkinson, Kelley (126), Wieland, McNary, Schoeller, Conway (14), Asbury, Berry and Nolte, relating to tort actions for damages.

HB 365, introduced by Representatives Funderburk, Tilley, Meadows, Franz, Zerr, Jones (89), Scharnhorst, Brandom, Diehl, Nolte, Cookson, Schoeller, Johnson, Cross, Fisher, Burlison, Flanigan, Klippenstein, Wright, Gatschenberger, Dieckhaus, Grisamore, Lasater, Wieland, Lant, Rizzo, Schieffer and Walton Gray, relating to funeral protests.

HB 366, introduced by Representatives Silvey, Talboy, Zerr, Fisher, Neth, Kelly (24), Sifton and Webber, relating to tax incentives for data storage and server farm facilities.

HB 367, introduced by Representatives Meadows and Walton Gray, relating to amateur mixed martial arts.

HB 368, introduced by Representatives Meadows, Kratky, McGeoghegan and Walton Gray, relating to creation of an identification card for veterans.

HB 369, introduced by Representative Gatschenberger, relating to the imposition of fees for the repair of water service lines in certain municipalities.

HB 370, introduced by Representatives Carter, Hummel, Webb, Nasheed, Pace, Walton Gray, McCann Beatty, Atkins, Brown (50), Colona, Hubbard, Hodges, Oxford, May, Jones (63) and Smith (71), relating to the prostate cancer pilot program.

HB 371, introduced by Representatives Fitzwater, Black, Lasater, Harris, Leach, Conway (14) and McGhee, relating to minimum pay for certain corrections employees.

COMMITTEE APPOINTMENTS

January 27, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Jonas Hughes as a member of the Committee on Appropriations-General Administration and appoint Representative Stacey Newman as a member.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

January 27, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Jonas Hughes as a member of the Committee on Budget and appoint Representative Genise Montecillo as a member.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

January 27, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Jonas Hughes as a member of the Committee on Higher Education and appoint Representative Jean Peters-Baker as a member.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

January 27, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Jonas Hughes as a member of the Committee on Small Business and appoint Representative Chris Carter as a member.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

COMMUNICATIONS

January 27, 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. My wife is a public school teacher in Missouri.

This letter is to notify the general public of my interest in the above mentioned subject. 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.

Sincerely,

/s/ Scott Largent
District 120

January 27, 2011

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 W. Capitol Ave., Room 306C
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.

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

I am retired and drawing retirement pay from MPERS. In addition, my wife is a retired teacher and receives retirement pay from PSRS.

Thank you for your attention to this matter.

Sincerely,

/s/ Don Phillips
State Representative
District 62

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 4:00 p.m., Monday, January 31, 2011.

COMMITTEE MEETINGS

AGRI-BUSINESS

Tuesday, February 1, 2011, 8:00 AM House Hearing Room 4.
Public hearing to be held on: HJR 3, HB 209

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 1, 2011, 2:00 PM House Hearing Room 4.
Budget presentation continued by the Department of Natural Resources.
Budget presentation by the Department of Conservation.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 2, 2011, 2:00 PM House Hearing Room 4.
Budget presentation continued by the Department of Natural Resources.
Budget presentation by the Department of Conservation.

APPROPRIATIONS - EDUCATION

Tuesday, February 1, 2011, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Budget presentation continued by the Department of Elementary and Secondary Education.
Budget presentation by the Department of Higher Education.

APPROPRIATIONS - EDUCATION

Wednesday, February 2, 2011, 8:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Presentation by Higher Education Institution Presidents.

APPROPRIATIONS - EDUCATION

Wednesday, February 2, 2011, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Presentation continued by Higher Education Institution Presidents.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 31, 2011, 12:00 PM House Hearing Room 3.
Office of Administration Operations, Fringe Benefits, and Attached Programs.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 31, 2011, 5:00 PM House Hearing Room 3.
Continue Budget Presentations on Office of Administration Operations, Fringe Benefits, and Attached Programs.

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.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Monday, February 7, 2011, 7:30 PM House Hearing Room 4.
Executive session may be held on any matter referred to the committee.
Public Testimony-Corrections.
Requests to testify must be submitted in writing to Rep. Chris Kelly at least 24 hours prior to hearing. Contact Donna Scheulen at 573-751-4189 if questions.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 8, 2011, 2:00 PM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Public Safety Budget .
Convene at 2:00 PM, short recess for dinner at 5:00 PM, reconvene at 6:00 PM.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 9, 2011, 2:00 PM House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
Public Safety Budget.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Monday, February 14, 2011, 7:30 PM House Hearing Room 4.
Executive session may be held on any matter referred to the committee.
Public Safety Budget.
Public Testimony-Requests to testify must be submitted in writing to Rep. Chris Kelly at least 24 hours prior to hearing. Contact Donna Scheulen at 573-751-4189 if questions.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 1, 2011, 8:00 AM House Hearing Room 3.

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

Testimony will be submitted by Missouri Department of Transportation (MoDOT).

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 2, 2011, 2:00 PM House Hearing Room 7.

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

Testimony will be presented by Department of Labor and Industrial Relations (DOLIR).

ECONOMIC DEVELOPMENT

Tuesday, February 1, 2011, 5:00 PM House Hearing Room 7.

Presentation from the Division of Workforce Development.

ELECTIONS

Tuesday, February 1, 2011, 8:15 AM House Hearing Room 5.

Public hearing to be held on: HB 107, HB 186, HB 171, HB 217, HB 187, HB 54

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

GENERAL LAWS

Monday, January 31, 2011, House Hearing Room 4, upon adjournment.

Public hearing to be held on: HCR 19, HB 108

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

GENERAL LAWS

Tuesday, February 1, 2011, 12:00 PM House Hearing Room 4.

Public hearing to be held on: HB 46, HB 90

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

HEALTH INSURANCE

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

Informational Meeting.

HIGHER EDUCATION

Tuesday, February 1, 2011, 8:00 AM House Hearing Room 6.

Public hearing to be held on: HCR 13, HB 174

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

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.

LOCAL GOVERNMENT

Wednesday, February 2, 2011, 8:00 AM House Hearing Room 7.

Public hearing to be held on: HB 60, HB 80, HB 101, HB 142, HB 157, HB 161

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

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

Monday, January 31, 2011, 3:30 PM House Hearing Room 1.

Executive Session will be held: HB 162, HB 91

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

SPECIAL STANDING COMMITTEE ON DISABILITY SERVICES

Wednesday, February 2, 2011, 9:00 AM House Hearing Room 4.

Organizational Meeting.

URBAN ISSUES

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

Presentations on Urban Crime.

VETERANS

Tuesday, February 1, 2011, 8:30 AM House Hearing Room 1.

Public hearing to be held on: HB 303

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

VETERANS

Tuesday, February 1, 2011, 5:00 PM Senate Lounge.

This will be a joint committee meeting between the House of Representatives Veterans Committee and the Senate Veterans Committee.

This committee meeting will be for informational purposes 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

FOURTEENTH DAY, MONDAY, JANUARY 31, 2011

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 15

HOUSE BILLS FOR SECOND READING

HB 340 through HB 371

HOUSE BILLS FOR PERFECTION

HCS HB 163 - Fisher

HOUSE BILLS FOR THIRD READING

HCS HBs 73 & 47 - Brandom

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 1, (1-25-11, Page 224-225) - Smith (150)