

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

FIFTY-EIGHTH DAY, WEDNESDAY, APRIL 18, 2012

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

This is my commandment, that ye love one another, even as I have loved you. (John 15:12)

O Thou, Who is the source of every noble impulse and the goal of every worthy aspiration, we bow in Your presence, praying that humbly and sincerely we receive Your spirit anew into our all-too-human hearts. Grant that in the midst of troubled times and demanding duties we may be sustained by Your presence, supported by Your grace, and strengthened by Your spirit.

Lead us into the fellowship of those who, in an upper room heard Your voice speaking to them and, responding, found in You new life, new light, and new love.

Inspire us with the assurance that You are with us, and may our faith in You give us confidence to face this day with courage and to live through these days with good will. May we be forgiven as we forgive and may we love as we ought to love. In us and in all people may Your name be glorified.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

Darrius Roberts, St. Louis, Missouri, sang "The Star-Spangled Banner."

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Taylen Riley, Caitlyn Riley, Grace Gill, Abby Swenson, Alex Gronowski, Ajay Dundoo, Payton Lindeman, Hannah Stark, Kayla Pauley, Aidan Wirrick, Matthew Van Eyck, Mark Van Eyck and Luke Van Eyck.

The Journal of the fifty-seventh day was approved as printed.

PERFECTION OF HOUSE BILL

HCS HBs 1934 & 1654, relating to animal shelter fees, was taken up by Representative Torpey.

HCS HBs 1934 & 1654 was laid over.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 85, relating to electronic pull-tab cards, was taken up by Representative Solon.

Representative Weter assumed the Chair.

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

House Amendment No. 1

AMEND House Joint Resolution No. 85, Page 2, Section 39(b), Line 19, by inserting after the word, “**cards**,” the words, “**after payment of prizes and administrative expenses**,”; and

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

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

On motion of Representative Solon, **HJR 85, as amended**, was ordered perfected and printed.

Representative Lampe assumed the Chair.

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 2019 was taken up by Representative Silvey.

On motion of Representative Silvey, **HCS HB 2019** was adopted.

On motion of Representative Silvey, **HCS HB 2019** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS

HCS HB 1367, relating to state employee performance reviews, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **HCS HB 1367** was adopted.

On motion of Representative Fitzwater, **HCS HB 1367** was ordered perfected and printed.

Speaker Tilley assumed the Chair.

HCS HB 1890, relating to health insurance coverage, was taken up by Representative Molendorp.

Representative Franz assumed the Chair.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1890, Page 3, Section 376.1226, Line 15, by inserting after all of said section, the following:

“376.1760. 1. Any physician who prescribes or administers any drug for the purpose of inducing an abortion shall, in addition to complying with the medical malpractice requirements of section 188.043, obtain and maintain in force a tail or occurrence-based insurance policy of at least one million dollars per occurrence and three million dollars in the aggregate per year for personal injury to or death of a child born alive after an attempted abortion. Such policy shall be maintained in force or be in effect until such child reaches his or her twenty-first birthday, or later, under section 516.105.

2. Any physician who knowingly violates the provisions of subsection 1 of this section is guilty of a class D felony.

3. The defense of medical emergency under subsection 2 of section 188.075 shall be available to any physician alleged to have violated the provisions of subsection 1 of this section.”; and

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

Representative Jones (63) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Franz requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not timely.

On motion of Representative Koenig, **House Amendment No. 1** was adopted by the following vote:

AYES: 105

Allen	Anders	Asbury	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 85	Burlison	Casey	Cauthorn	Cierpiot
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Davis	Day	Denison	Diehl
Dugger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Hoskins	Houghton	Johnson	Jones 89
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Lair	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McGeoghegan	McGhee	McNary
Molendorp	Nance	Neth	Parkinson	Phillips
Pollock	Quinn	Redmon	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Schatz
Schieber	Schieffer	Schoeller	Silvey	Smith 150
Solon	Sommer	Stream	Swinger	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 040

Atkins	Aull	Brown 50	Carlson	Carter
Colona	Ellinger	Ellington	Holsman	Hubbard
Hughes	Hummel	Jones 63	Kander	Kelly 24
Kirkton	Kratky	Lampe	May	McCann Beatty
McCreery	McDonald	McNeil	Montecillo	Morgan
Newman	Nichols	Oxford	Pace	Pierson
Rizzo	Schupp	Sifton	Spreng	Still
Swearingen	Talboy	Taylor	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 018

Brown 116	Curtman	Dieckhaus	Franklin	Funderburk
Hough	Jones 117	McManus	Meadows	Nasheed
Nolte	Reiboldt	Scharnhorst	Schneider	Shively
Shumake	Smith 71	Webb		

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1890, Page 3, Section 376.1226, Lines 7-10, by deleting all of said lines and inserting in lieu thereof the following:

“(1) “Covered services”, dental services reimbursable by a health carrier or health benefit plan or third party administrator under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, alternative benefit payments, or frequency limitations;”; and

Further amend said bill, section and page, Line 15, by inserting after all of said line the following:

“3. A health carrier or health benefit plan or third party administrator shall not provide merely de minimis reimbursement or coverage in an effort to avoid the requirements of this section.

Section 1. The board of trustees of the Missouri consolidated health care plan shall conduct an actuarial analysis and report to the general assembly, on or before December 31, 2012, of the feasibility of including the health plan sponsored by the department of transportation into the Missouri consolidated health care plan. The health plan sponsored by the department of transportation shall provide the Missouri consolidated health care plan actuary the data and funding necessary to perform the actuarial analysis.”; and

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

On motion of Representative Molendorp, **House Amendment No. 2** was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

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

NOES: 052

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Ellington	Fallert	Harris	Hodges
Holsman	Hubbard	Hughes	Hummel	Jones 63
Kander	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McCreery	McDonald	McGeoghegan
McNeil	Montecillo	Morgan	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 021

Brown 116	Conway 14	Curtman	Dieckhaus	Franklin
Funderburk	Houghton	Jones 117	McCaherty	McManus
Meadows	Nasheed	Reiboldt	Sater	Schneider
Shumake	Silvey	Smith 71	Webb	Wright
Wyatt				

On motion of Representative Molendorp, **HCS HB 1890, as amended**, was adopted.

On motion of Representative Molendorp, **HCS HB 1890, as amended**, was ordered perfected and printed.

On motion of Representative Jones (89), the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2216 through House Resolution No. 2290

PERFECTION OF HOUSE BILLS

HCS HB 1637, relating to the Missouri Sound Money Act of 2012, was taken up by Representative Curtman.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1637, Page 2, Section 408.010, Line 22, by deleting the word, “**monetary**” and inserting in lieu thereof the words, “**gold or silver**”; and

Further amend said bill, page, section, Lines 31-34, by deleting all of said lines; and

Further amend said bill, section, Page 3, Line 44, by deleting the words, “**director of the division of finance**” and inserting in lieu thereof the words, “**secretary of state**”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1637, Page 1, Section 143.111, Line 10, by inserting after all of said section, the following:

“143.171. 1. For all tax years beginning on or after January 1, 1994, **but ending on or before December 31, 2012**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by Section 31 (tax withheld on wages), Section 27 (tax of foreign country and United States possessions), and Section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after September 1, 1993, **but ending on or before December 31, 2012**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by Section 31 (tax withheld on wages), Section 27 (tax of foreign country and United States possessions), and Section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

3. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.”; and

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

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

Which motion was defeated.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1637, Page 1, In the Title, Line 3, by deleting the words, “legal tender” and inserting in lieu thereof the word, “taxation”; and

Further amend said bill, Page 1, Section 143.111, Line 10, by inserting after all of said line the following:

“143.1026. 1. This section shall be known and may be cited as "Sahara's Law".

2. For all taxable years beginning on or after January 1, 2012, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the pediatric cancer research trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

3. There is hereby created in the state treasury the "Pediatric Cancer Research Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. All moneys credited to the trust fund shall be considered nonstate funds under section 15, article IV, Constitution of Missouri. The treasurer shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to CureSearch for children's cancer.

4. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

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

Representative Koenig offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 1637, Page 2, Line 17, by inserting the following:

‘Further amend said bill, Page 2, Section 408.010, Line 9, by deleting the words, “, **except for contractual obligations**”; and’; and

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

On motion of Representative Koenig, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Wallingford, **House Amendment No. 3, as amended**, was adopted.

On motion of Representative Curtman, **HCS HB 1637, as amended**, was adopted.

On motion of Representative Curtman, **HCS HB 1637, as amended**, was ordered perfected and printed.

Speaker Tilley resumed the Chair.

HCS#2 HB 1323, relating to unlicensed child care providers, was taken up by Representative Black.

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

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 1323, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“544.455. 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;
(2) Place restriction on the travel, association, or place of abode of the person during the period of release;
(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof **by a defendant or a third party; however, under article I, section 20 of the Missouri Constitution, the court shall accept in lieu of a cash only bond a guarantee from any surety who is in compliance with general laws regulating such profession;**

(4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs;

(5) [Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;

(6)] Place the person on house arrest with electronic monitoring, except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, then the judge shall not order that the person be placed on house arrest with electronic monitoring;

[(7)] (6) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 **of this section** shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein.”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 1323, Page 1, Section A, Line 2, by inserting after all of said section and line, the following:

“452.374. 1. If criminal charges alleging an act of rape are brought against the putative father of a child conceived as the result of that act of rape, the court shall issue an automatic stay of any paternity proceeding involving both the child and the alleged putative father. The stay shall not be lifted until there is a final disposition of such criminal charges.

2. In any future custody proceeding, any denial of visitation under this section shall not be used against the mother of the child when considering the factor contained in subdivision 4 of subsection 2 of section 452.375.”; and

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

On motion of Representative Barnes, **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 1323, Page 1, Section A, Line 2, by inserting after all of said line the following:

“210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child-care facility exempt from licensure shall disclose the licensure exempt status of the facility to the parents or guardians of children for which the facility provides care.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, [shall be] **is** guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and [shall be] **is** guilty of a class A misdemeanor **and shall be assessed a fine of two hundred dollars per day, not to exceed a total of ten thousand dollars** for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health and senior services proposes to deny, suspend, place on probation or revoke a license, the department of health and senior services shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing

a hearing before the administrative hearing commission and that such request shall be made to the department of health and senior services. If no written request for a hearing is received by the department of health and senior services within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing.

3. The department of health and senior services may issue letters of censure or warning without formal notice or hearing. Additionally, the department of health and senior services may place a licensee on probation pursuant to chapter 621.

4. The department of health and senior services may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of health and senior services finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of health and senior services. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of health and senior services within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of health and senior services, the department of health and senior services may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.”; and

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

Representative Barnes offered House Substitute Amendment No. 1 for House Amendment No. 3.

*House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Committee Substitute No. 2 for House Bill No. 1323, Page 1, Section A, Line 2, by inserting after all of said line the following:

“210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. No child-care facility exempt from licensure shall assert to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, [shall be] is guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and [shall be] is guilty of a class A misdemeanor **and shall be assessed a fine of two hundred dollars per day, not to exceed a total of ten thousand dollars** for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health and senior services proposes to deny, suspend, place on probation or revoke a license, the department of health and senior services shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of health and senior services. If no written request for a hearing is received by the department of health and senior services within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing.

3. The department of health and senior services may issue letters of censure or warning without formal notice or hearing. Additionally, the department of health and senior services may place a licensee on probation pursuant to chapter 621.

4. The department of health and senior services may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of health and senior services finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of health and senior services. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of health and senior services within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of health and senior services, the department of health and senior services may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.”; and

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

On motion of Representative Barnes, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

On motion of Representative Black, **HCS#2 HB 1323, as amended**, was adopted.

On motion of Representative Black, **HCS#2 HB 1323, as amended**, was ordered perfected and printed.

Representative Nolte assumed the Chair.

HCS HBs 1934 & 1654, relating to animal shelter fees, was again taken up by Representative Torpey.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 1934 & 1654, Page 1, Section 273.327, Line 9, by placing brackets “[]” around the phrase “two thousand”; and

Further amend said bill, page, and section, Line 17, by deleting the words “**at his or her discretion**” and inserting in lieu thereof the words “**upon promulgation of rules**”; and

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

Representative Guernsey 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. 1934 & 1654, Page 1, Line 2, by deleting all of said line and inserting in lieu thereof the following:

‘273.327, Line 10, by inserting after the word “year” the following:

“, **except for commercial breeders for which the license fee shall range from one hundred to one thousand dollars per year**”; and’; and

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

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

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

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On motion of Representative Torpey, **HCS HBs 1934 & 1654, as amended**, was adopted.

On motion of Representative Torpey, **HCS HBs 1934 & 1654, as amended**, was ordered perfected and printed.

HCS HBs 1574 & 1097, relating to a driver's license veteran designation, was taken up by Representative Meadows.

On motion of Representative Meadows, **HCS HBs 1574 & 1097** was adopted.

On motion of Representative Meadows, **HCS HBs 1574 & 1097** was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 959 - Rules

HR 1773 - Rules

HR 1880 - Tourism and Natural Resources

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

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

HCR 48 - Agriculture Policy

HCR 54 - Children and Families

HCR 57 - Downsizing State Government

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 85 - Fiscal Review

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1359 - Fiscal Review

HCS HB 1476 - Fiscal Review

HCS HB 1637 - Fiscal Review

HCS HB 1890 - Fiscal Review

HB 1078 - Health Care Policy

HB 1089 - Economic Development

HB 1090 - Economic Development

- HB 1132** - Transportation
- HB 1178** - Tourism and Natural Resources
- HB 1262** - Elementary and Secondary Education
- HB 1279** - Workforce Development and Workplace Safety
- HB 1284** - Crime Prevention and Public Safety
- HB 1321** - Ways and Means
- HB 1343** - Health Care Policy
- HB 1346** - Professional Registration and Licensing
- HB 1374** - Elementary and Secondary Education
- HB 1405** - Health Care Policy
- HB 1409** - Financial Institutions
- HB 1410** - Corrections
- HB 1411** - Crime Prevention and Public Safety
- HB 1412** - Small Business
- HB 1433** - Agri-Business
- HB 1443** - Transportation
- HB 1472** - Retirement
- HB 1478** - Ways and Means
- HB 1499** - Veterans
- HB 1514** - Judiciary
- HB 1528** - Crime Prevention and Public Safety
- HB 1544** - Financial Institutions
- HB 1561** - General Laws
- HB 1575** - Transportation
- HB 1583** - Judiciary
- HB 1599** - Judiciary
- HB 1601** - Tourism and Natural Resources
- HB 1603** - Health Insurance
- HB 1620** - Professional Registration and Licensing
- HB 1645** - Judiciary
- HB 1653** - Elections
- HB 1657** - Economic Development
- HB 1664** - Judiciary
- HB 1667** - Judiciary
- HB 1669** - Transportation
- HB 1670** - Transportation
- HB 1686** - General Laws
- HB 1696** - General Laws
- HB 1720** - Tourism and Natural Resources
- HB 1721** - Crime Prevention and Public Safety
- HB 1729** - Judiciary
- HB 1732** - Elementary and Secondary Education
- HB 1764** - Corrections
- HB 1792** - Elementary and Secondary Education
- HB 1796** - Agriculture Policy
- HB 1797** - General Laws
- HB 1798** - Economic Development

- HB 1800** - Agri-Business
- HB 1801** - Economic Development
- HB 1812** - Local Government
- HB 1814** - Small Business
- HB 1819** - Elementary and Secondary Education
- HB 1839** - Transportation
- HB 1849** - Professional Registration and Licensing
- HB 1850** - Special Standing Committee on Renewable Energy
- HB 1851** - Crime Prevention and Public Safety
- HB 1861** - International Trade and Job Creation
- HB 1866** - Ways and Means
- HB 1871** - International Trade and Job Creation
- HB 1885** - Professional Registration and Licensing
- HB 1887** - Tax Reform
- HB 1889** - Transportation
- HB 1893** - Elementary and Secondary Education
- HB 1894** - Crime Prevention and Public Safety
- HB 1899** - Transportation
- HB 1901** - Elections
- HB 1903** - General Laws
- HB 1907** - Children and Families
- HB 1916** - Crime Prevention and Public Safety
- HB 1917** - Elections
- HB 1920** - Elementary and Secondary Education
- HB 1923** - Elementary and Secondary Education
- HB 1924** - Special Standing Committee on Renewable Energy
- HB 1925** - Higher Education
- HB 1926** - Special Standing Committee on Renewable Energy
- HB 1927** - Elementary and Secondary Education
- HB 1928** - Health Care Policy
- HB 1929** - Elections
- HB 1930** - Elementary and Secondary Education
- HB 1931** - Health Insurance
- HB 1932** - Elementary and Secondary Education
- HB 1945** - Local Government
- HB 1968** - General Laws
- HB 1993** - Children and Families
- HB 1995** - Workforce Development and Workplace Safety
- HB 2031** - Elections
- HB 2032** - Local Government
- HB 2035** - Transportation
- HB 2036** - Elementary and Secondary Education
- HB 2037** - Elementary and Secondary Education
- HB 2039** - Elementary and Secondary Education
- HB 2040** - Transportation
- HB 2041** - Economic Development
- HB 2042** - Children and Families

HB 2049 - Crime Prevention and Public Safety
HB 2051 - Elementary and Secondary Education
HB 2052 - Transportation
HB 2054 - Elementary and Secondary Education
HB 2055 - Elementary and Secondary Education
HB 2060 - Workforce Development and Workplace Safety
HB 2061 - Transportation
HB 2075 - General Laws
HB 2086 - Elections
HB 2087 - Agri-Business
HB 2088 - Agri-Business
HB 2090 - Ways and Means
HB 2095 - Agriculture Policy
HB 2096 - Local Government
HB 2097 - Workforce Development and Workplace Safety
HB 2101 - Local Government
HB 2106 - Downsizing State Government
HB 2107 - Judiciary
HB 2110 - Local Government

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 568 - Fiscal Review
SS SB 749 - Health Insurance

COMMITTEE REPORTS

Committee on General Laws, Chairman Franz reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 1585**, 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 General Laws, to which was referred **SCS SB 591**, 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.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 578**, 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.

Committee on Utilities, Chairman Pollock reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 594**, 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.

Committee on Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 1358**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1397**, begs leave to report it has examined the same and recommends that it **Do Pass**.

COMMITTEE CHANGES

April 18, 2012

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Holsman from the Committee on Rules and appoint Representative Rizzo.

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

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

April 18, 2012

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Rizzo from the Committee on Fiscal Review and appoint Representative Holsman.

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

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

The following members' presence was noted: Nasheed, Schneider, Shumake, Smith (71) and Webb.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Thursday, April 19, 2012.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, April 19, 2012, 9:00 AM House Hearing Room 7.
Executive session will be held: SCS SB 631
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, April 25, 2012, 8:00 AM House Hearing Room 5.
Executive session may be held on any matter referred to the committee.
Review of DSS, DMH, & DHSS operations and policies

DOWNSIZING STATE GOVERNMENT

Thursday, April 19, 2012, 9:00 AM House Hearing Room 4.
Executive session will be held: HJR 60

FISCAL REVIEW

Thursday, April 19, 2012, 9:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee

INSURANCE POLICY

Thursday, April 19, 2012, 8:30 AM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
The committee will meet in executive session.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 19, 2012, 9:00 AM House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
2nd quarter meeting
CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 26, 2012, 9:00 AM House Hearing Room 6.

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

2nd quarter meeting

AMENDED

RULES

Thursday, April 19, 2012, 9:30 AM House Hearing Room 6.

Public hearing will be held: HR 1365

Executive session will be held: HR 1365

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

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

Thursday, April 19, 2012, 9:30 AM House Hearing Room 6.

Executive session will be held: HCR 43, HCR 47, HCR 52, HCS HB 1245, HCS HB 1254, HCS HBs 1741 & 1543, HCS HBs 1542 & 1101, HCS HB 1754, HCS HB 1815, HCS HB 1900, HB 1842, HCS HB 1922, HCS HB 1935, HB 2063, HB 2099, HCS HB 2100, SB 564, HCS SCS SB 569, SS SB 607, SB 611, SS SCS SB 719

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

HOUSE CALENDAR

FIFTY-NINTH DAY, THURSDAY, APRIL 19, 2012

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 89 - Schoeller

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1198 - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HB 1540 - Jones (89)
- 4 HB 1455 - Gatschenberger
- 5 HCS HB 1869 - Dugger
- 6 HCS HB 1117 - Brown (50)
- 7 HCS#2 HB 1475 - Cross
- 8 HB 1592 - Jones (89)
- 9 HB 1718, (2 hours debate on Perfection) - Scharnhorst
- 10 HCS HB 1865 - Barnes
- 11 HCS HB 1049 - Allen
- 12 HCS HB 1210 - Gatschenberger
- 13 HCS HB 1280 - Korman
- 14 HCS HB 1758 - Long
- 15 HCS HB 1795 - Ruzicka
- 16 HCS HB 1803 - Korman
- 17 HCS HB 1818 - Schad

- 18 HCS HB 1966 - Burlison
- 19 HCS HB 1137 - Lauer
- 20 HCS HB 1328 - Cox
- 21 HB 1779 - Flanigan
- 22 HCS HB 1794 - Grisamore
- 23 HCS HB 1854 - Grisamore

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCS HCR 33, E.C. - Bernskoetter

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HCS HJR 61 - Loehner
- 2 HJR 85, (Fiscal Review 4/18/12) - Solon

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

HCS HB 2019 - Silvey

HOUSE BILLS FOR THIRD READING

- 1 HB 1277 - Long
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1431 - Hoskins
- 4 HB 1066 - McGhee
- 5 HCS HB 1717, (Fiscal Review 4/17/12) - Kelley (126)
- 6 HB 1534, (Fiscal Review 4/17/12) - Bahr
- 7 HCS HB 1661, (Fiscal Review 4/17/12) - Hoskins
- 8 HCS HB 1211 - Dieckhaus
- 9 HCS HB 1826 - Fitzwater
- 10 HCS HB 1860 - Guernsey
- 11 HCS HB 1342 - Smith (150)
- 12 HB 1359, (Fiscal Review 4/18/12) - Smith (150)
- 13 HCS HB 1274 - Koenig
- 14 HCS HB 1476, (Fiscal Review 4/18/12), E.C. - Leara
- 15 HCS HB 1364 - Schieffer
- 16 HCS HB 1521 - Sommer
- 17 HCS HB 1367 - Fitzwater
- 18 HCS HB 1890, (Fiscal Review 4/18/12) - Molendorp
- 19 HCS HB 1637, (Fiscal Review 4/18/12) - Curtman
- 20 HCS#2 HB 1323 - Black
- 21 HCS HBs 1934 & 1654 - Torpey
- 22 HCS HBs 1574 & 1097 - Meadows

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 6 - Rowland
- 2 HCR 46 - Franklin
- 3 HCR 49 - Fallert
- 4 HCR 18 - Walton Gray

SENATE BILLS FOR THIRD READING

- 1 HCS SB 568, (Fiscal Review 4/18/12) - Franz
- 2 SB 736 - Gatschenberger

SENATE CONCURRENT RESOLUTIONS

SCR 28 - Diehl

HOUSE BILLS VETOED FROM SECOND REGULAR SESSION

HB 1219 - Elmer

SENATE BILLS VETOED FROM SECOND REGULAR SESSION

SS SCS SB 572 - Richardson