

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

FIFTEENTH DAY, TUESDAY, FEBRUARY 1, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

God is love: and he that dwelleth in love dwelleth in God and God in him. (1 John 4:16)

O God, You are the Father of all weather. We thank You for every expression of Your love to us, and for the experience of love we enjoy in the home, in our circle of friends, and here in the halls of the State House.

Strengthen the ties that bind us together. Give us courtesy and consideration in our attitude toward one another. May we not allow our disagreements to make us disagreeable, or our differences to make a difference in our relationships, but now and always may the spirit of goodwill abide in our hearts. Keep us ever mindful of Your presence, eager to do Your will and loyal to the dignity within ourselves.

We pray for rapid healing of Representative Wanda Brown, may the Divine physician grant her the recuperation necessary to resume her duties.

Protect our State and its citizens during this period of snow emergency. Protect all who must travel, work and serve today and tomorrow. Restrain this wintery blast according to Your will.

Finally, as we begin the month dedicated to recalling the contributions of all Africans and African-Americans to the history of our nation and state may our eyes truly see the dignity of all peoples. We beg this in the name of the One in Heaven. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fourteenth day was approved as printed by the following vote:

AYES: 133

Allen	Anders	Asbury	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brown 50	Brown 85	Burlison	Carlson	Carter
Casey	Cauthorn	Cierpiot	Colona	Conway 14
Conway 27	Cookson	Cox	Crawford	Cross
Curtman	Davis	Day	Denison	Dieckhaus
Dugger	Elmer	Entlicher	Faith	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Johnson	Jones 63
Jones 89	Jones 117	Keeney	Kelley 126	Kelly 24

Kirkton	Koenig	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Lauer
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McDonald	McGhee	McManus	McNary
McNeil	Molendorp	Montecillo	Nance	Newman
Nichols	Nolte	Pace	Parkinson	Peters-Baker
Phillips	Pollock	Quinn	Redmon	Reiboldt
Richardson	Rizzo	Rowland	Ruzicka	Scharnhorst
Schatz	Schieber	Schieffer	Schneider	Schoeller
Schupp	Shively	Shumake	Silvey	Smith 71
Smith 150	Solon	Spreng	Still	Stream
Swearingen	Swinger	Talboy	Thomson	Torpey
Wallingford	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 000

PRESENT: 002

Atkins Oxford

ABSENT WITH LEAVE: 028

Brattin	Brown 116	Curls	Diehl	Ellinger
Funderburk	Holsman	Hughes	Kander	Klippenstein
Leach	May	McCann Beatty	McGeoghegan	Meadows
Nasheed	Neth	Pierson	Riddle	Sater
Schad	Sifton	Taylor	Walton Gray	Webb
Webber	Wells	Zimmerman		

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 16 was read the second time.

SECOND READING OF HOUSE BILLS - APPROPRIATIONS

HB 14 and **HB 15** were read the second time.

SECOND READING OF HOUSE BILLS

HB 372 through **HB 382** were read the second time.

SECOND READING OF SENATE BILL

SCS SB 68 was read the second time.

THIRD READING OF HOUSE BILL

HCS HB 163, relating to unemployment compensation benefits, was taken up by Representative Fisher.

On motion of Representative Fisher, **HCS HB 163** was read the third time and passed by the following vote:

AYES: 123

Allen	Anders	Asbury	Atkins	Aull
Barnes	Bernskoetter	Berry	Black	Brandom
Brown 50	Brown 85	Burlison	Carlson	Carter
Casey	Cauthorn	Cierpiot	Colona	Conway 14
Conway 27	Cookson	Cox	Crawford	Cross
Curtman	Davis	Denison	Dieckhaus	Diehl
Elmer	Faith	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Johnson	Jones 63	Jones 89	Jones 117	Keeney
Kelley 126	Kirkton	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Lauer
Leara	Lichtenegger	Long	McCaherty	McDonald
McGhee	McManus	McNary	McNeil	Molendorp
Montecillo	Nance	Newman	Nichols	Nolte
Oxford	Pace	Peters-Baker	Phillips	Quinn
Redmon	Reiboldt	Richardson	Rizzo	Rowland
Ruzicka	Scharnhorst	Schieffer	Schneider	Schoeller
Schupp	Shively	Shumake	Silvey	Smith 150
Solon	Spreng	Still	Stream	Swearingen
Swinger	Talboy	Taylor	Thomson	Torpey
Wallingford	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 014

Bahr	Day	Dugger	Entlicher	Guernsey
Kelly 24	Koenig	Loehner	Marshall	Parkinson
Pollock	Schatz	Schieber	Wells	

PRESENT: 000

ABSENT WITH LEAVE: 026

Brattin	Brown 116	Curls	Ellinger	Funderburk
Holsman	Hughes	Kander	Klippenstein	Leach
May	McCann Beatty	McGeoghegan	Meadows	Nasheed
Neth	Pierson	Riddle	Sater	Schad
Sifton	Smith 71	Walton Gray	Webb	Webber
Zimmerman				

Speaker Tilley declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 131

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brown 50	Brown 85	Burlison	Carlson
Carter	Casey	Cauthorn	Cierpiot	Colona
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Elmer	Entlicher	Faith
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Gatschenberger
Gosen	Grisamore	Haefner	Hampton	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Johnson	Jones 63
Jones 89	Jones 117	Keeney	Kelley 126	Kelly 24
Kirkton	Korman	Kratky	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leara
Lichtenegger	Loehner	Long	McCaherty	McDonald
McGhee	McManus	McNary	McNeil	Meadows
Molendorp	Montecillo	Nance	Newman	Nichols
Nolte	Oxford	Pace	Peters-Baker	Phillips
Quinn	Redmon	Reiboldt	Richardson	Rizzo
Rowland	Ruzicka	Scharnhorst	Schatz	Schieffer
Schneider	Schoeller	Schupp	Shively	Shumake
Silvey	Smith 71	Smith 150	Solon	Spreng
Still	Stream	Swearingen	Swinger	Talboy
Taylor	Thomson	Torpey	Wallingford	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 008

Dugger	Guernsey	Koenig	Marshall	Parkinson
Pollock	Schieber	Wells		

PRESENT: 000

ABSENT WITH LEAVE: 024

Brattin	Brown 116	Curls	Ellinger	Funderburk
Holsman	Hughes	Kander	Klippenstein	Leach
May	McCann Beatty	McGeoghegan	Nasheed	Neth
Pierson	Riddle	Sater	Schad	Sifton
Walton Gray	Webb	Webber	Zimmerman	

THIRD READING OF SENATE CONCURRENT RESOLUTION

SCR 1, relating to electric renewable standard requirements, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **SCR 1** was truly agreed to and finally passed by the following vote:

AYES: 122

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brown 50
Brown 85	Burlison	Carter	Casey	Cauthorn
Cierpiot	Colona	Conway 14	Conway 27	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Faith	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Harris	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Johnson	Jones 63	Jones 89
Jones 117	Keeney	Kelley 126	Koenig	Korman
Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leara	Lichtenegger	Loehner
Long	Marshall	McCaherty	McGhee	McManus
McNary	Meadows	Molendorp	Montecillo	Nance
Nichols	Nolte	Pace	Parkinson	Phillips
Pollock	Quinn	Reiboldt	Richardson	Rizzo
Rowland	Ruzicka	Scharnhorst	Schatz	Schieber
Schieffer	Schneider	Schoeller	Shively	Shumake
Silvey	Smith 150	Solon	Stream	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Wells	Weter	White	Wieland	Wright
Zerr	Mr Speaker			

NOES: 016

Anders	Atkins	Carlson	Kelly 24	Kirkton
McDonald	McNeil	Newman	Peters-Baker	Redmon
Schupp	Smith 71	Spreng	Still	Swearingen
Wyatt				

PRESENT: 000

ABSENT WITH LEAVE: 025

Brattin	Brown 116	Curls	Ellinger	Funderburk
Holsman	Hughes	Kander	Klippenstein	Leach
May	McCann Beatty	McGeoghegan	Nasheed	Neth
Oxford	Pierson	Riddle	Sater	Schad
Sifton	Walton Gray	Webb	Webber	Zimmerman

Speaker Tilley declared the bill passed.

COMMITTEE REPORTS

Committee on General Laws, Chairman Franz reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HCR 9**, 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.

HOUSE CONCURRENT RESOLUTION NO. 9

Relating to the calling of an amendment convention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, Article V of the Constitution of the United States provides that "on application of the legislatures of two-thirds of the several states" the calling of a convention for the purpose of proposing amendments to such Constitution is authorized; and

WHEREAS, any amendment proposed by the convention "shall be valid to all intents and purposes as part" of the Constitution of the United States "when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress"; and

WHEREAS, in the interests of preserving principles of federalism and state sovereignty, such an amendment convention should be restricted to considering the following amendment only:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."; and

WHEREAS, this resolution is submitted as an official application by the State of Missouri, which when joined by two-thirds of the several states, shall authorize the calling of an amendment convention for the purpose stated in this resolution:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby apply and make application to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the limited purpose of a constitutional amendment that permits the repeal of any federal law or regulation by a vote of two-thirds of the state legislatures, and the Missouri Delegation to such convention, when called, shall propose the following amendment:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives prepare copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, and each presiding officer of each state legislative chamber in the United States.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 46**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

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

HB 383, introduced by Representatives Pace, Nasheed, Walton Gray, Carter, Hummel, Smith (71), Jones (63), Ellinger, Denison, Colona, McGhee, Kelly (24), Zimmerman, Black, Oxford, Schieffer, Atkins, Curls, Nance, Meadows and Hubbard, relating to the crimes of assault and tampering with a judicial officer.

HB 384, introduced by Representatives Black, Dieckhaus, Fitzwater, Zerr, Schupp, Fallert, McManus and Kratky, relating to incarcerated sexual offenders.

HB 385, introduced by Representatives Faith, Schoeller, Jones (89), Sater, Black, Denison, Nolte, Allen, Weter, Brandom, Cauthorn, Brown (85), Lair, Day, Largent, Dieckhaus, Schneider, McGhee, Hodges, Schieffer, Casey, Meadows, Kratky, Gatschenberger, Molendorp, Guernsey, Riddle, Cierpiot, Koenig, Leara, Cox, Schad, Fisher, Funderburk, Burlison, Higdon, Hummel, Harris, Leach, Zerr, McCaherty, Cookson, Hoskins, Franklin, Berry, Wyatt, Gosen, Diehl, Barnes, Shively, Quinn, Fallert, Schieber, Fitzwater, Wallingford, Korman, Cross, Grisamore, Frederick, Bahr, Asbury, Fuhr, Lasater, Swinger, Stream, Thomson, Wieland, Reiboldt, Long, Hough, Nance, Kelley (126), Johnson, Houghton, Redmon, Fraker, Flanigan, Scharnhorst, Franz, Ruzicka, Wells, Pollock, Davis, Lichtenegger, Shumake, Brown (50), Elmer, Keeney, Parkinson, McNary, Conway (27), Loehner and Dugger, relating to a tax credit for contributions to pregnancy resource centers.

HB 386, introduced by Representatives Nance, Kirkton, Schneider, Pace and Nolte, relating to small claims actions.

HB 387, introduced by Representatives Wyatt, Franklin, Lichtenegger, Fitzwater and Jones (63), relating to youth athlete brain injuries.

HB 388, introduced by Representative Burlison, relating to patient information provided in advance of certain surgical procedures.

HB 389, introduced by Representatives Holsman and Oxford, relating to the preschool plus program.

HB 390, introduced by Representatives Holsman and Oxford, relating to the KidCare Co-op program.

HB 391, introduced by Representatives Holsman and Oxford, relating to medical assistance benefits.

COMMUNICATIONS

January 31, 2011

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

Dear Mr. Crumbliss:

Pursuant to section 105.461, RSMo, I am hereby filing a written report of personal interest in Legislation, on which the House of Representatives may vote during the Legislative Session. I am a retired member of the Lagers and Cerf Retirement systems.

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

Thank you for your attention to this matter.

Sincerely,

/s/ Galen W. Higdon, Jr.
State Representative
District 29

February 1, 2011

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue, Room 306C
Jefferson City, MO 65101

Dear Adam:

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 a retired teacher drawing retirement from PSRS.

Thank you.

Sincerely,

/s/ Ira Anders
State Representative
District 51

The following members' presence was noted: Ellinger, Holsman, Kander, Leach and Schad.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, February 2, 2011.

COMMITTEE MEETINGS

AGRI-BUSINESS

Wednesday, February 2, 2011, 12:30 PM House Hearing Room 6.
Executive Session will be held: HJR 3, HB 209
Executive session may be held on any matter referred to the committee.

AGRI-BUSINESS

Thursday, February 3, 2011, South Gallery upon morning adjournment.
Executive Session will be held: HJR 3, HB 209
Executive session may be held on any matter referred to the committee.

CANCELLED

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

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.

CANCELLED

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.

CANCELLED

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 2, 2011, 1:00 PM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Budget Presentation: Public Defender.

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.

CANCELLED

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.

Request 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

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).

CANCELLED

BUDGET

Wednesday, February 2, 2011, 12:00 PM House Hearing Room 3.

Public hearing to be held on: HCR 3, HB 236

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

CANCELLED

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, February 2, 2011, 12:00 PM House Hearing Room 4.

Public hearing to be held on: HB 41, HB 155

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

CANCELLED

DOWNSIZING STATE GOVERNMENT

Thursday, February 3, 2011, 8:00 AM House Hearing Room 4.

Public hearing to be held on: HB 315, HB 235, HCR 12

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

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 2, 2011, 8:00 AM House Hearing Room 6.
Public hearing to be held on: HB 138, HB 219, HB 48
Executive session may be held on any matter referred to the committee.
CANCELLED

FINANCIAL INSTITUTIONS

Wednesday, February 2, 2011, 2:00 PM House Hearing Room 7.
Public hearing to be held on: HB 83, HB 109, HB 173
Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE AND JOB CREATION

Wednesday, February 2, 2011, 4:00 PM House Hearing Room 6.
Executive Session will be held: HB 61
Executive session may be held on any matter referred to the committee.
CANCELLED

JUDICIARY

Wednesday, February 2, 2011, House Hearing Room 1 upon morning adjournment.
Public hearing to be held on: HB 128, HB 130, HB 227
Executive session may be held on any matter referred to the committee.
Executive session will be held: HB 35, HB 88
CANCELLED

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.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 2, 2011, House Hearing Room 5, 12:00 PM or upon morning adjournment.
Public hearing to be held on: HB 265
Executive session may be held on any matter referred to the committee.
CANCELLED

RETIREMENT

Thursday, February 3, 2011, 8:00 AM House Hearing Room 1.
Presentations from: MOSERS, MPERS, LAGERS & PSRS.

RURAL COMMUNITY DEVELOPMENT

Tuesday, February 8, 2011, 8:00 AM House Hearing Room 7.
Public hearing to be held on: HB 112, HB 285, HJR 5
Guest Speaker: Joe Boland, Department of Natural Resources' Director of the Financial Assistance Center regarding the drinking water and waste water revolving fund.

SMALL BUSINESS

Wednesday, February 2, 2011, 12:00 PM House Hearing Room 7.

Public hearing to be held on: HB 68, HB 86

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.

CANCELLED

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Thursday, February 3, 2011, 8:00 AM House Hearing Room 6.

Public hearing to be held on: HCR 4, HB 104

CANCELLED

VETERANS

Tuesday, February 8, 2011, 8:00 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.

This will be on HB 303, the previous hearing on this bill was cancelled due to weather.

Members should already have a copy.

WAYS AND MEANS

Thursday, February 3, 2011, 8:30 AM House Hearing Room 5.

Public hearing to be held on: HB 222, HB 151, HB 55

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

HOUSE CALENDAR

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 2, 2011

HOUSE BILLS FOR SECOND READING

HB 383 through HB 391

HOUSE BILLS FOR PERFECTION

1 HCS HB 91 - Nolte

2 HB 162 - Fisher